ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[AD–FRL–6301–4]

RIN 2060–AH–47 and 2060–AE81

National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins; National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins; and National Emission Standards for Hazardous Air Pollutants for Polyether Polyols Production

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; Amendments.

SUMMARY: On September 5, 1996 (61 FR 46906) and September 12, 1996 (61 FR 48208), the EPA promulgated the ''National Emission Standards for Hazardous Air Pollutants: Group I Polymers and Resins,'' (40 CFR part 63, subpart U) and the ''National Emission Standards for Hazardous Air Pollutants: Group IV Polymers and Resins,'' (40 CFR part 63, subpart JJJ), respectively. In December 1996, petitions for review of the September 1996 Polymers and Resins I and IV rules were filed in the U.S. Court of Appeals for the District of Columbia Circuit. The petitioners raised over 280 technical issues and concerns with the drafting clarity of these rules. This action proposes correcting amendments to these rules to address the petitioners' issues and any other inconsistencies that were discovered during the review process. In addition, on January 17, 1997 (62 FR 2722), amendments to the hazardous organic National Emission Standards for Hazardous Air Pollutants (NESHAP) (hereafter referred to as the ''HON'') which is heavily referenced by both the Polymers and Resins I and IV NESHAP, were promulgated. These proposed amendments will update cross-references and other terminology, as necessitated by the HON amendments, and will incorporate parallel changes to those made in the HON, in sections of the Polymers and Resins I and IV NESHAP which were originally modeled after the HON. In addition, the proposed amendments to subpart U in this action apply to the Polyether Polyols Production NESHAP (subpart PPP) insofar as subpart PPP cross-references requirements found in subpart U.

DATES: *Comments.* The EPA will accept comments regarding this proposal on or before May 10, 1999.

Public Hearing. If anyone contacts the EPA requesting to speak at a public hearing by March 24, 1999, a public hearing will be held in Research Triangle Park, North Carolina, beginning at 10 a.m. on April 8, 1999. Persons interested in attending the hearing should call Ms. Marguerite Thweatt at (919) 541–5673 to verify that a hearing will be held.

Request to Speak at Hearing. Persons wishing to present oral testimony must contact EPA by March 24, 1999 by contacting Ms. Marguerite Thweatt, Organic Chemicals Group (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541–5673.

ADDRESSES: *Comments.* Comments should be submitted (in duplicate, if possible) to: Air and Radiation Docket and Information Center (6102), Attention Docket Number A–92–44 (Group I Polymers and Resins) and/or Docket Number A–92–45 (Group IV Polymers and Resins), Room M–1500, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. The EPA requests that a separate copy also be sent to the contact person listed below (see **FOR FURTHER INFORMATION CONTACT**). Comments may also be submitted electronically by following the instructions provided in **SUPPLEMENTARY INFORMATION**.

Docket. Docket numbers A–92–44 and A–92–45, containing information relevant to these proposed amendments, are available for public inspection between 8 a.m. and 5:30 p.m., Monday through Friday (except for Federal holidays) at the following address: U.S. Environmental Protection Agency, Air and Radiation Docket and Information Center (MC–6102), 401 M Street, SW, Washington, DC 20460. Alternatively, a docket index, as well as individual items contained within the docket, may be obtained by calling (202) 260–7548 or (202) 260–7549. The docket is located at the above address in Room M–1500, Waterside Mall (ground floor). A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Robert E. Rosensteel, Organic Chemicals Group, Emission Standards Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541–5608.

SUPPLEMENTARY INFORMATION:

Regulated Entities

The regulated category and entities affected by this action include:

Category	Examples of regulated entities
Industry	Butyl Rubber, Halobutyl Rubber, Epichlorohydrin Elastomer, Ethylene Propylene Rubber, Hypalon™, Neoprene, Nitrile Butadiene Rubber, Nitrile Butadiene Latex, Polybutadiene Rubber, Styrene-Butadiene Rubber or Latex, Acrylonitrile Butadiene Styrene Resin, Styrene Acrylonitrile Resin, Methyl Methacrylate Acrylonitrile Butadiene Styrene Resin, Methyl Methacrylate Butadiene Styrene Resin, Poly(ethylene terephthalate) Resin, Polystyrene Resin, and Nitrile Resin producers.

This table is not intended to be exhaustive, but rather provides a guide for readers likely to be interested in the revisions to the regulations affected by this action. To determine whether your facility is regulated by this action, you should carefully examine all of the applicability criteria in the promulgated versions of subpart U and JJJ (61 FR 46906 and 61 FR 48208, respectively), as well as in the proposed amendments to the applicability sections (§§ 63.480 and 63.1310) contained in this proposal. If you have any questions regarding the applicability of these amendments to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

Electronic Access and Filing Addresses

These proposed amendments, the promulgated texts, and other background information are available in Docket Numbers A–92–44 and A–92–45 or by request from the EPA's Air and Radiation Docket and Information Center (see **ADDRESSES**). These documents can also be accessed through the EPA web site at: http://www.epa.gov/ttn/oarpg. For further information and general questions regarding the TTN, call Mr. Hersch Rorex (919) 541–5637 or Mr. Phil Dickerson (919) 541–4814.

Electronic comments and data may be submitted by sending electronic mail (e-

mail) to: a-and-r-docket@epamail.epa.gov. Submit comments as an ASCII file, avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on diskette in Word Perfect 5.1 or 6.1 or ACSII file format. Identify all comments and data in electronic form by the docket numbers A–92–44 and/or A–92–45. No Confidential Business Information (CBI) should be submitted through electronic mail. Electronic comments may be filed online at many Federal Depository Libraries.

The EPA solicits comment on the specific revisions to the Polymers and Resins Group I and IV rule revisions that are described below and proposed today. The EPA is not seeking comment on portions of the two rules that the Agency is not currently proposing to change.

I. Background on Rules

On September 5, 1996 (61 FR 46906) and September 12, 1996 (61 FR 48208), the EPA issued the ''National Emission Standards for Hazardous Air Pollutants: Group I Polymers and Resins,'' (40 CFR part 63, subpart U) and the ''National Emission Standards for Hazardous Air Pollutants: Group IV Polymers and Resins,'' (40 CFR part 63, subpart JJJ), respectively. On August 26, 1996 (61 FR 43698), just prior to the promulgation of subparts U and JJJ, the EPA proposed amendments to the hazardous organic NESHAP (HON), which subparts U and JJJ both reference and were modeled after, due to similarities in Hazardous Air Pollutant (HAP) emissions and emission controls at affected sources covered by all three rules.

As a result, on November 25, 1996 (61 FR 59849), the EPA published an Advance Notice of Proposed Rulemaking (ANPR) informing the public of the EPA's intent to propose amendments to both the Group I and Group IV Polymers and Resins NESHAP as well. The amendments referred to in that ANPR include the amendments proposed by today's action, which were necessitated by the amendments to the HON, due to cross-reference changes. Because subparts U and JJJ were both modeled after the HON, the EPA determined that many of the amendments that had been made to the HON would also be appropriate for subparts U and JJJ. The EPA has already published several amendments to clarify various aspects of the Group I and Group IV Polymers and Resins NESHAP, in part due to the HON amendments, which were promulgated on January 17, 1997 (62 FR 2722). Readers should see the following **Federal Register** notices for more information: January 14, 1997 (62 FR 1835), which extended the equipment leaks compliance date for both rules; June 6, 1997 (62 FR 30993), which extended the compliance date for equipment leaks at poly(ethylene terephthalate) resin (PET) affected sources; July 15, 1997 (62 FR 37720), which made minor corrections and clarifications to the rules; February 27, 1998 (63 FR 9944), which corrected the effective date of subpart JJJ (Group IV Polymers and Resins) by changing it to February 27, 1998; in keeping with sections 801 and 808 of the Congressional Review Act, changed the compliance dates for new affected sources to February 27, 1998, and changed the compliance date once again for the equipment leak requirements in subpart JJJ, to February 27, 1998; and March 31, 1998 (63 FR 15312), which provided a temporary compliance extension until February 27, 2001 for existing affected sources producing poly(ethylene terephthalate) (PET) using the continuous terephthalic acid (TPA) high viscosity multiple end finisher process.

One of the main purposes of today's action is to incorporate the concepts and new references related to the promulgated HON amendments and to propose changes related to settlement negotiations with industry. It is important to note that the provisions of subparts U and JJJ that cross-reference the HON (or any other regulation) refer to the most recent, promulgated versions of those rules. In a recent rulemaking, on January 17, 1997 (62 FR 2722), the EPA promulgated amendments to the HON, including amendments to portions of the HON that subparts U and JJJ reference.

Those HON amendments that are incorporated by reference into subparts U and JJJ are considered to apply to subpart U and JJJ affected sources. In addition, should the EPA propose future amendments to the HON or other regulations cross-referenced in subparts U and JJJ (e.g., the NESHAP for Source Categories: General Provisions, 40 CFR part 63, subpart A), the most recent, promulgated versions of those rules will be considered to apply subpart U and JJJ affected sources whenever subpart U and JJJ directly cross-reference those regulations. Public comments should be submitted at the time of the proposal of any such amendments, if owners or operators have concerns about how those amendments may affect the application of subparts U and JJJ to their sources.

On November 4, 1996 the Dow Chemical Company (''Dow'') filed petitions for review of the promulgated Polymers and Resins I and IV NESHAP in the U.S. Court of Appeals for the District of Columbia Circuit, *The Dow Chemical Company* v. *EPA*, 96–1417 and 96–1421 (D.C. Cir.). Dow raised over 280 technical issues on the rules' structure and applicability, including questions about the applicability of the HON amendments to subparts U and JJJ. Issues were raised regarding details of the technical requirements, drafting clarity, and structural errors in the drafting of certain sections of the rules. In addition, on December 6, 1996, the Union Carbide Corporation filed a petition for review of the promulgated Polymers and Resins I NESHAP in the U.S. Court of Appeals for the District of Columbia Circuit, *Union Carbide Corporation* v. *EPA*, 96–1413 and Consolidated Cases (D.C. Cir.). Today's proposed amendments address the issues raised by Dow on the promulgated Polymers and Resins I and IV NESHAP, and the issues raised by Union Carbide on the promulgated Polymers and Resins I NESHAP, and include corrections and clarifications to ensure that these rules are implemented as intended. Today's proposed amendments also provide some new provisions that would reduce the burden associated with the recordkeeping and reporting requirements of these rules. For example, as proposed §§ 63.506(a)(1) and (a)(2) and 63.1335(a)(1) and (a)(2) allow records older than 6 months to be stored off-site, and no longer require owners and operators to keep copies of reports that have already been submitted to the EPA Regional Office. This last change is being proposed so that owners and operators that have misplaced copies of reports that have also been submitted to the EPA are not considered to be in violation of the rules.

II. Regulatory Amendments

This section of this preamble will first present a general overview of the types of changes that the EPA is proposing to make to subparts JJJ and U. Following that overview, a section-by-section approach has been taken, describing the EPA's proposed changes, down to the subparagraph level, where deemed appropriate. Parallel sections in subparts U and JJJ (e.g., §§ 63.480 and 63.1310) are first addressed together, and then proposed changes that are unique to one rule or the other are described, for each section of the rules, as necessary.

A. Overview of Proposed Changes

1. HON Changes Directly Incorporated

As mentioned previously, on January 17, 1997 (62 FR 2722), the EPA promulgated revisions to the HON rule. Those revisions to the HON made significant changes to the requirements for process wastewater, heat exchange systems, certain liquid streams in open systems within a chemical manufacturing process unit, and maintenance wastewater, and made minor edits to other sections of the rule. For those HON provisions directly referenced in subparts U and JJJ (see Table 1), the promulgated HON amendments also apply to affected Polymers and Resins I and IV sources. The EPA has evaluated the HON amendments and has determined, with the proposed exceptions noted in this action, that the HON amendments are appropriate for Polymers and Resins I and IV sources. The EPA therefore proposes that the HON amendments be incorporated into the Polymers and Resins I and IV rules, with the exceptions proposed in this notice. For more detailed rationale regarding the HON amendments, see the preamble in the **Federal Register** notice that proposed the HON amendments (61 FR 43698, August 26, 1996).

TABLE 1.—HON SECTIONS DIRECTLY REFERENCED IN SUBPARTS U AND JJJ

HON section referenced	Description of referenced provisions	Subpart U section that references HON	Subpart JJJ section that references HON
§§ 63.101, 63.111, & 63.161	Definitions	§ 63.482(a)	§ 63.1312(a)
§ 63.104	Heat Exchange Systems	§ 63.502(k)	§ 63.1328
§ 63.105	Maintenance Wastewater	§ 63.501	§ 63.1330
§§ 63.113–118	Process Vents	§ 63.485	§ 63.1315
§§ 63.119–123	Storage Vessels	§ 63.484	§ 63.1314
§§ 63.131–149	Wastewater	§ 63.501	§ 63.1330
§ 63.150(g)(3), (g)(5), (h)(3), & (h)(5).	Emissions Averaging provisions for storage vessels & wastewater.	§ 63.503(g)(3), (g)(5), (h)(3), & (h)(5).	§ 63.1332(g)(4), (g)(5), (h)(4), & (h)(5)
§§ 63.160–182	Equipment Leaks	§ 63.502(a)-(j)	§ 63.1331

2. Changes to P&R Sections That Were Modeled After the HON

For the same reason that, after thorough evaluation, the EPA had originally chosen to model subparts U and JJJ after the HON (i.e., due to the similarities in HAP emissions and emission controls amongst HON affected sources and affected elastomers and thermoplastics sources; see the proposal preambles for subparts U and JJJ, 60 FR 30801, 6/12/95, and 60 FR 16090, 3/29/95, respectively), the EPA is proposing amendments to subparts U and JJJ which will make parallel changes to these rules based on the HON amendments.

3. Litigation-Based Changes

As was mentioned in the ''Background'' section of this preamble, on November 4, 1996 the Dow Chemical Company filed petitions for review of the promulgated Polymers and Resins I and IV NESHAP in the U.S. Court of Appeals for the District of Columbia Circuit, *The Dow Chemical Company* v *EPA*, 96–1417 and 96–1421 (D.C. Cir.); and on December 6, 1996, the Union Carbide Corporation filed a petition for review of the promulgated Polymers and Resins I NESHAP in the U.S. Court of Appeals for the District of Columbia Circuit, *Union Carbide Corporation* v *EPA*, 96–1413 and Consolidated Cases (D.C. Cir.). Many of today's proposed amendments address the technical issues and areas in need of clarification that were identified during the litigation settlement process.

4. Clarifyin and Cross-Referencing Changes

Many clarifying and cross-referencing changes were needed in subparts U and JJJ, partly as a result of the previously discussed amendments to the HON (because those amendments included both terminology changes and changes in the location of specific provisions).

In particular, the wastewater provisions in both subparts U and JJJ required a substantial number of changes, in order to smoothly incorporate the numerous changes to the wastewater provisions in the HON. Similar changes were necessary in the other sections of the rule that directly reference HON provisions (e.g., §§ 63.485 and 63.1315).

In addition, a ''snowball'' effect inevitably occurred as other provisions in subparts U and JJJ were amended, requiring additional cross-reference changes and updates throughout both rules. For the most part, these cross-reference changes need little or no explanation. A few of the cross-reference changes are corrections of errors that occurred at promulgation.

Additional changes are being proposed for the sake of clarity and specificity throughout both rules. For example, in several places, the promulgated language implied that inanimate objects (e.g., equipment) would have to follow the rule provisions. In these proposed amendments, the EPA has made an effort to correct this problem throughout both rules, by always stating that it is the ''owner or operator'' (and not the equipment) that must follow the rule provisions.

In the promulgated version of subpart U, in particular, there were also several places in which an appendix to a 40 CFR part 60 or 63 subpart was referenced, without the complete citation being given. The EPA proposes to correct all such instances in these amendments, as well. Grammatical corrections (such as changing ''can'' to ''may,'' where appropriate) are also being proposed in these amendments. Other minor, global changes include:

- Changing the term ''control device'' to ''halogen reduction device,'' where necessary.
- Changing ''must'' to ''shall,'' for the sake of consistency throughout both rules.

The following sections describe the proposed changes to each section of subparts U and JJJ for which amendments are being considered. Changes that are being made to both subparts U and JJJ are described in unison.

B. Applicability— Proposed Changes to §§ 63.480 and 63.1310

1. Changes Common to Polymers and Resins I and IV

Sections 63.480(a)(1) through (4) and 63.1310(a)(1) through (4). The EPA is proposing to restructure these paragraphs in order to provide a better description of what constitutes an ''affected source,'' an ''existing affected source,'' and a ''new affected source.'' The EPA is proposing to add a sentence to the end of §§ 63.480(a)(3) and

63.1310(a)(3), clarifying that §§ 63.480(a)(3)(i) and 63.1310(a)(3)(i) exclusively describe ''brand new'' production sites (i.e., ''greenfield'' sites). If a source meets the criteria for a new source under §§ 63.480(a)(3)(ii) or (iii), or 63.1310(a)(3)(ii) or (iii), or §§ 63.480(i) or 63.1310(i) (which deal with changes or additions at existing plant (i.e., industrial) sites), then §§ 63.480(a)(3)(i) and 63.1310(a)(3)(i) do *not* apply to that source. The proposed new paragraphs at §§ 63.480(a)(4) and 63.1310(a)(4) replace the promulgated paragraph (a)(2), and list emission points and equipment besides elastomer product process units (EPPU) and thermoplastic product process units (TPPU) (e.g., compliance equipment and waste management units) that make up the affected source, in an attempt to clarify that these emission points are part of the affected source *in addition to* the EPPU/TPPUs (which are clearly part of the affected source.) A reference to the proposed equipment list in §§ 63.480(a)(4) or 63.1310(a)(4) has also been added to proposed paragraphs §§ 63.480(a)(2) and (3), and 63.1310(a)(2) and (3), and in other places throughout subparts U and JJJ, where such a reference was determined to be helpful. The EPA is also requesting comments on the idea of incorporating similar changes into §§ 63.1420(a) of subpart PPP, the Polyether Polyols Production NESHAP.

Sections 63.480(a)(3)(i) and 63.1310(a)(3)(i). The proposed language in §§ 63.480(a)(3)(i) and 63.1310(a)(3)(i) clarify that the phrase ''on which construction commenced after June 12, 1995 (or March 29, 1995, for subpart JJJ)'' applies to the entire major source, as opposed to applying to ''each group of one or more EPPU (TPPU)''. The fact that the equipment associated with each EPPU/TPPU is also considered to be part of the affected source is also clarified in these paragraphs.

In addition, the parenthetical ''i.e., a greenfield site'' is meant to clarify that these paragraphs apply to sites at which no industrial activity (demonstrated by an absence of any HAP emission points) occurred prior to the proposal dates of the respective rules. The term ''emission point'' is defined in §§ 63.482(b) and 63.1312(b).

Sections 63.480(a)(5) and 63.1310(a)(5). The EPA is proposing to add paragraphs (§§ 63.480(a)(5) and 63.1310(a)(5)) explicitly stating that area sources and equipment at area sources are not considered to be affected sources under subpart U or JJJ. Although this was implied in the promulgated rule (by only listing EPPUs/TPPUs at ''major source'' plant sites as making up an affected source), the EPA believes that an explicit statement of this nature helps clarify the applicability of this rule.

Sections 63.480(b) and 63.1310(b). One of the many revisions to subparts U and JJJ that are being proposed with today's action that will reduce the recordkeeping burden on owners and operators is contained in these paragraphs. The EPA is proposing to include an additional alternative for EPPUs and TPPUs that do not use or manufacture any organic HAP, which would provide those owners and operators with the choice of either keeping records documenting the fact that their source does not use or manufacture any organic HAP, or of providing such information to the Administrator, at the Administrator's request. The EPA is proposing to provide this alternative, which is similar to that included in the HON amendments to § 63.103(e), because it was never the EPA's intent to impose an ongoing recordkeeping requirement on sources that neither use nor manufacture any organic HAP.

Sections 63.480(c) and 63.1310(c). The EPA is proposing to amend these paragraphs to clarify which equipment is included within the scope of these rules. The promulgated language in §§ 63.480(c) and 63.1310(c) caused confusion and raised concerns over whether other equipment or activities not listed were included in the affected source.

The proposed revisions reflect the promulgated amendments to § 63.100(f) (after which they were originally modeled) and are intended to improve rule clarity by reversing the drafting structure to state that the listed items are included in the affected source, but are not subject to the control requirements of the rule. Based on discussions with industry, the EPA determined that reversing the structure would make these paragraphs more understandable to the regulated community and would reduce the chance of incorrect interpretation. This proposed change is intended to ensure that certain equipment that is part of a subpart U or JJJ affected source does not become covered by future Section 112(j) rules.

Other proposed changes to §§ 63.480(c) and 63.1310(c) include a sentence clarifying that these excluded emission points are not subject to subpart A of part 63 (the General Provisions). The proposed changes to §§ 63.480(c) and 63.1310(c) also add the following equipment to the list of excluded emission points: equipment that does not contain organic HAP, water from testing of deluge systems, and water from testing of firefighting systems.

Sections 63.480(f) and 63.1310(f): Primary product and applicability determination, and compliance options, for flexible operation units. The EPA is proposing extensive changes to the primary product determination and applicability criteria (i.e., for determining whether a process unit is an EPPU, a TPPU, or neither) and to the compliance options for flexible operation units in §§ 63.480(f) and 63.1310(f). These changes are summarized by Figures 1 through 4 in this document. However, Figures 1 through 4 are only intended to be illustrative, as they are not comprehensive, and they do not carry any regulatory authority. The proposed changes in §§ 63.480 and 63.1310 are intended to address concerns raised in litigation after the promulgation of subparts U and JJJ, with regard to flexible operation units, in particular. Various scenarios were presented to the EPA that would cause problems under the promulgated rule, such as ''contract manufacturing'' situations in which an owner or operator could not predict what might be produced at a source in the future. The EPA is also requesting comments on the idea of incorporating similar changes into § 63.1420(e) of subpart PPP, the Polyether Polyols Production NESHAP. The changes to § 63.1420(e) would primarily parallel those described below with regard to primary product determination and the flexible operation unit provisions.

Sections 63.480(f) and 63.1310(f). The EPA is proposing to revise these paragraphs so that they provide a more precise introduction to the paragraphs that follow, and in order to reflect the addition of new paragraphs as described below.

Sections 63.480(f)(1) and 63.1310(f)(1). The EPA is proposing to combine promulgated paragraphs §§ 63.480(f)(1), (f)(2), and (f)(3) and 63.1310(f)(1), (f)(2), and (f)(3) to create a single paragraph in each subpart that addresses the initial determination of the primary product. Promulgated paragraphs §§ 63.480(f)(1) and 63.1310(f)(1) appear as proposed paragraphs §§ 63.480(f)(1)(i) and 63.1310(f)(1)(i); promulgated paragraphs §§ 63.480(f)(2) and § 63.1310(f)(2) appear as proposed paragraphs §§ 63.480(f)(1)(iii) and 63.1310(f)(1)(iii); and promulgated paragraphs §§ 63.480(f)(3) and 63.1310(f)(3) appear as proposed paragraphs §§ 63.480(f)(1)(iv) and 63.1310(f)(1)(iv). The EPA is also proposing to add introductory text to §§ 63.480(f)(1) and

63.1310(f)(1), clarifying how the primary product of a process unit is determined, and clarifying that process units that neither use nor manufacture any organic HAP are only subject to §§ 63.480(b) or 63.1310(b) (see discussion above). The proposed requirements under §§ 63.480(f)(1) and 63.1310(f)(1) are illustrated in Figure 1 and Figure 2, which are flowcharts describing the proposed primary product/applicability determination procedures for existing sources and new sources, respectively.

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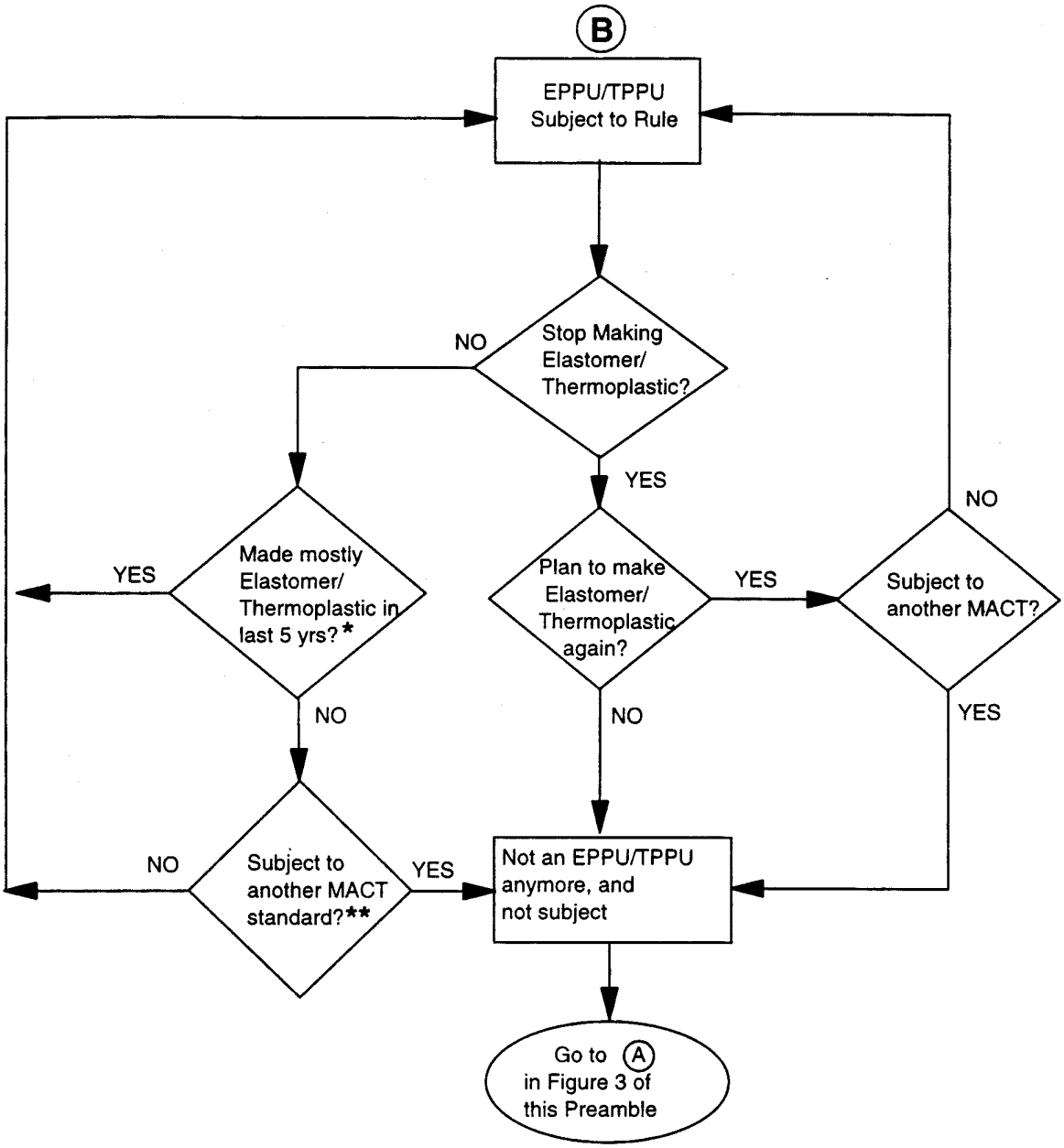
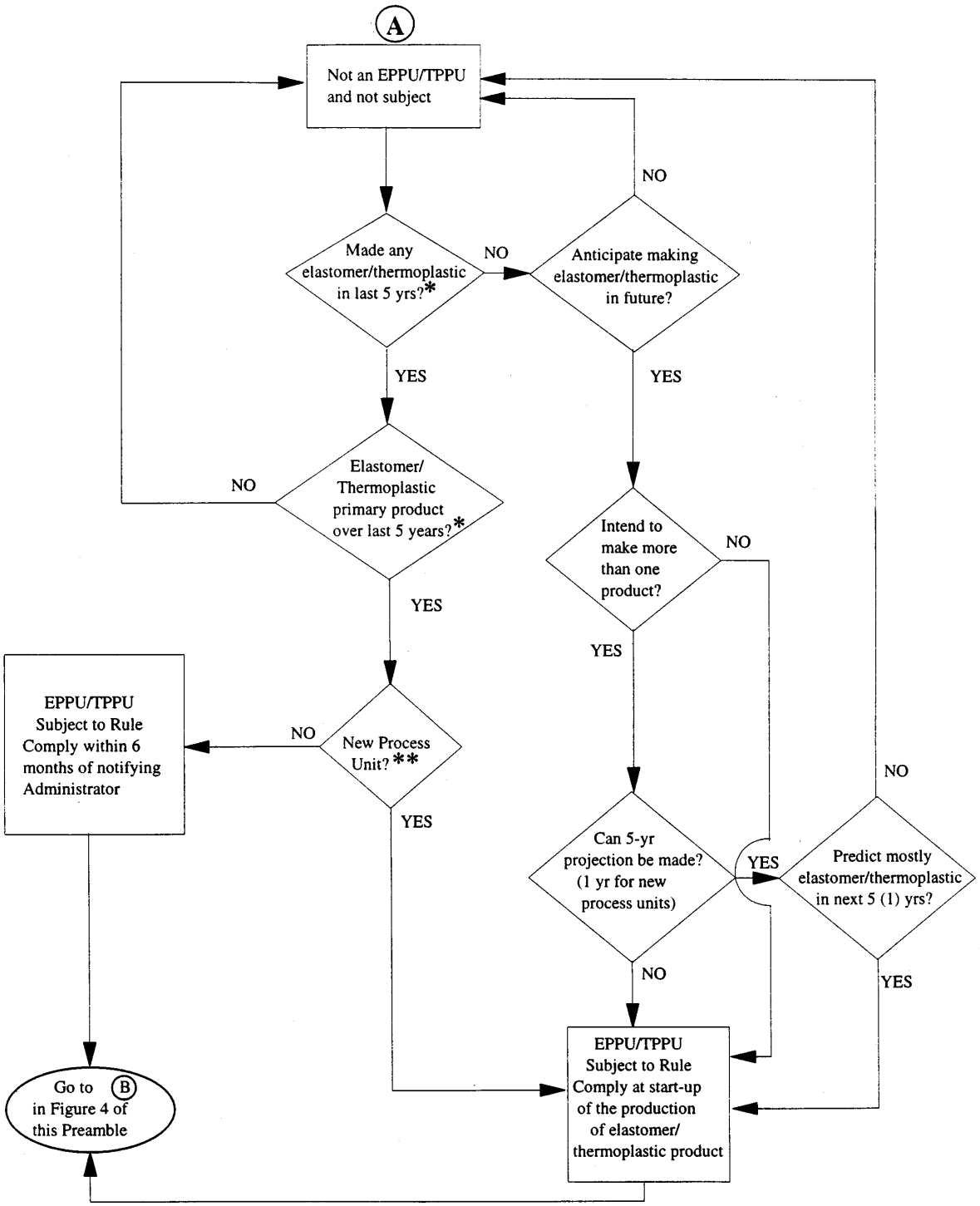


*Or since the unit began the production of any product, whichever is shorter.

**With the exception of 40 CFR 63, subpart GGG (Pharmaceutical MACT).

FIGURE 4. REDETERMINATION FOR EPPUs OR TPPUs SUBJECT TO PROPOSED SECTION 63.480(f)(10) OR 63.1310(f)(10)

(Beginning September 5, 2001 or September 12, 2001)



*Or since the unit began the production of any product, whichever is shorter.

**A new process unit is defined as a process unit that initially began production of any product after 9/5/96.

FIGURE 3. ANNUAL EVALUATION FOR NON-EPPUs OR NON-TPPUs THAT HAVE RECENTLY PRODUCED, OR MAY SOON PRODUCE, ELASTOMER OR THERMOPLASTIC PRODUCTS

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Sections 63.480(f)(1)(ii) and 63.1310(f)(1)(ii). A new set of requirements is being proposed under these paragraphs, which would deal with process units that are designed to produce two or more products at the same time. This situation was not addressed at promulgation of these rules. Under the proposed requirement, the primary product is the product for which the process unit has the greatest annual design capacity on a mass basis. If the process unit has the same annual design capacity on a mass basis for two or more products, and at least one of those products is an elastomer/thermoplastic product, then the primary product for that process unit is an elastomer/thermoplastic product.

Sections 63.480(f)(1)(iii) and 63.1310(f)(1)(iii). These proposed paragraphs address primary product determination for flexible operation units, which was previously addressed in promulgated paragraphs §§ 63.480(f)(2) and 63.1310(f)(2). The EPA is proposing to add criteria for determining the primary product for an existing process unit and for a new process unit (definitions for the terms ''existing process unit'' and ''new process unit'' are also being proposed to be added to §§ 63.482(b) and 63.1312(b)). At promulgation, whether the source was new or existing, the owner or operator had to determine primary product on 5 years of ''expected production.'' However, in recognition of the fact that it might be difficult for some owners or operators to predict that far into the future, the proposed amendments only require owners and operators to look one year into the future for new process units. The EPA is also proposing to add a new provision at §§ 63.480(f)(2) and 63.1310(f)(2) for owners or operators of either new or existing flexible operation units for which production cannot be predicted over the required time period (see further discussion below on §§ 63.480(f)(2) and 63.1310(f)(2)).

Sections 63.480(f)(1)(iv) and 63.1310(f)(1)(iv). These proposed paragraphs discuss the consequences of determining that a process unit's primary product is an elastomer/thermoplastic product (as previously addressed in promulgated paragraphs §§ 63.480(f)(3) and 63.1310(f)(3)). In these paragraphs and in several other places throughout the proposed amendments to subparts U and JJJ, the EPA has qualified the term EPPU/TPPU with ''and associated equipment,'' which is listed in §§ 63.480(a)(4) (or 63.1310(a)(4)). This clarification is being proposed because there was some confusion over the difference between an affected source and an EPPU/TPPU after promulgation. In addition, the EPA is proposing changes to this paragraph that remove references to ''the future,'' because other provisions have been added at §§ 63.480(f)(3), (4), (9), and (10), and at 63.1310(f)(3), (4), (9), and (10) that explain more explicitly how the designation of a process unit as an EPPU/TPPU can be removed or re-instated.

Sections 63.480(f)(2) and 63.1310(f)(2). As mentioned earlier, the EPA is proposing the addition of provisions for owners or operators that are not able to predict future production to the extent that is necessary to determine the primary product of a flexible operation unit under §§ 63.480(f)(1)(iii) and 63.1310(f)(1)(iii). Under these proposed provisions, if the owner or operator cannot predict what product will be the primary product of the flexible operation unit for the designated time period, but can predict that the primary product will not be an elastomer/thermoplastic product, the flexible operation unit is designated as not being an EPPU/TPPU.

A more complex solution was necessary for owners and operators of flexible operation units who can neither predict the primary product for the designated time period, nor predict that the primary product will not be an elastomer/thermoplastic product. The proposed provisions under §§ 63.480(f)(2)(ii) and 63.1310(f)(2)(ii) address this situation. According to the proposed provisions in §§ 63.480(f)(2)(ii) and 63.1310(f)(2)(ii), in the situation described above, a flexible operation unit that is an existing process unit will be designated an EPPU/TPPU if an elastomer/thermoplastic product has been produced for *five percent (or greater)* of the time since March 9, 1999. If the flexible operation unit is a new process unit, the flexible operation unit will be designated as an EPPU/TPPU if the owner or operator anticipates that an elastomer/thermoplastic product will be produced in that flexible operation unit at any time during the first year of operation of the new process unit.

This concept, of making the primary product determination based on whether or not an elastomer or thermoplastic has been produced at least 5 percent of the time since March 9, 1999 for an existing process unit for which the owner or operator cannot otherwise determine the primary product, or on whether or not the owner or operator anticipates producing any elastomer or thermoplastic products during the first year of production at a new process unit for which the owner or operator cannot otherwise determine the primary product, is a new one. The EPA is particularly interested in receiving public comments on this concept, as a way of handling flexible operation units for which the primary product determination is difficult to make.

Sections 63.480(f)(3) and 63.1310(f)(3). These proposed paragraphs, and proposed paragraphs §§ 63.480(f)(4) and 63.1310(f)(4), reflect the concepts originally promulgated as paragraphs §§ 63.480 (f)(4)(i) through (f)(4)(iii) and 63.1310 (f)(4)(i) and (f)(4)(iii). The original concepts have been modified to improve clarity and to complement other additions proposed for §§ 63.480(f) and 63.1310(f). In order to allow the flexibility that these proposed amendments are offering, as far as whether or not the owner or operator designates their flexible operation unit to be an EPPU/TPPU, the EPA is proposing to add paragraphs that will specify procedures for an annual applicability determination (beginning in September of the year 2001) for non-EPPU's/non-TPPU's that have produced an elastomer/thermoplastic product at any time in the preceding 5-year period or since the date that the unit began production of any product, whichever is shorter. Figure 3 depicts the proposed annual evaluation (after September 2001) for owners or operators of non-EPPUs or non-TPPUs that have recently made an elastomer or thermoplastic product, or are planning to make elastomer or thermoplastic products in the near future. The proposed method for performing this annual applicability determination requires the owner or operator to calculate the percentage of total operating time over which each product that was produced at the flexible operation unit was produced during the applicable time period. If an elastomer/thermoplastic product was the product with the highest percentage of total operating time over that period, then the flexible operation unit is designated as an EPPU/TPPU.

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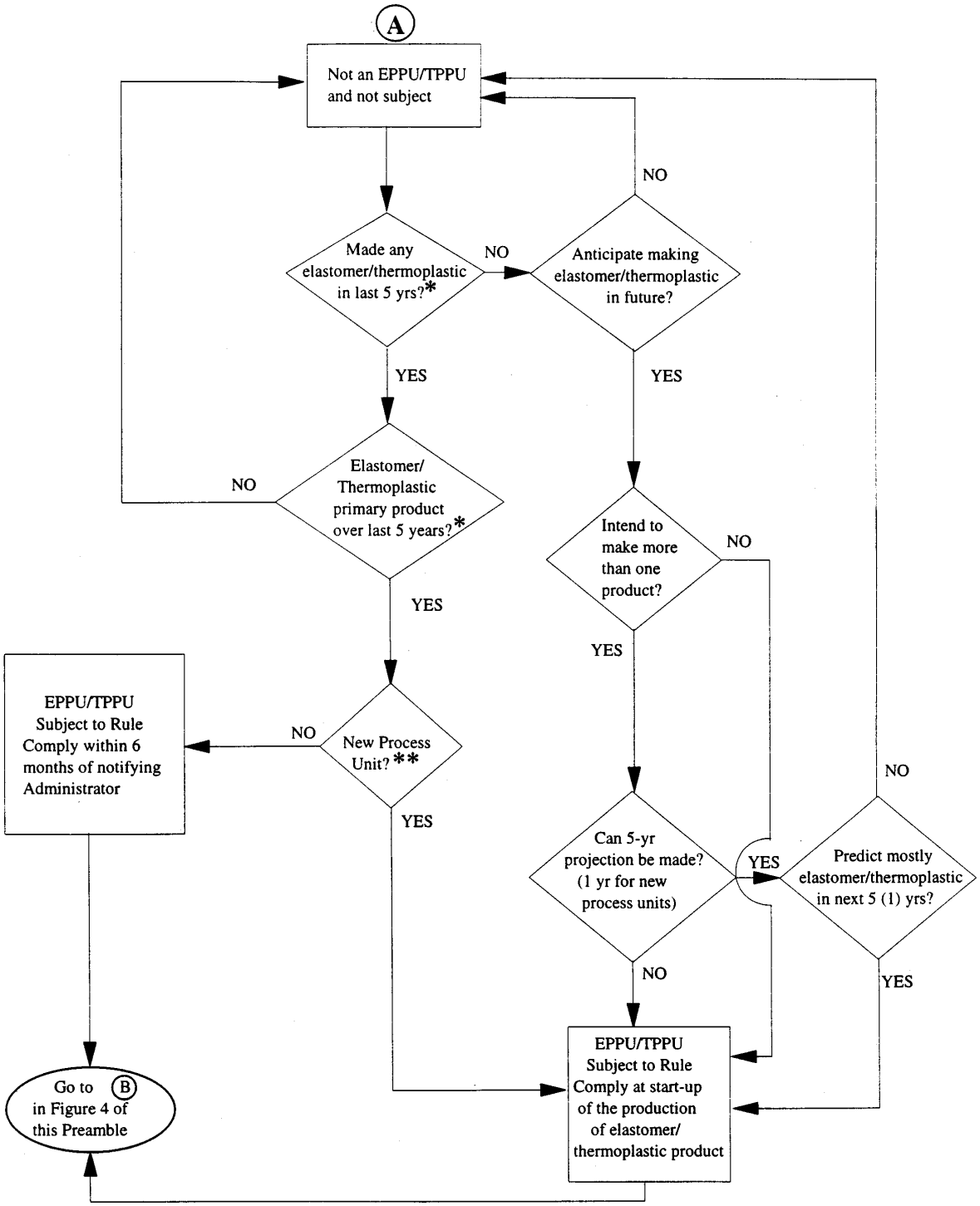
(Beginning September 5, 2001 or September 12, 2001)



*Or since the unit began the production of any product, whichever is shorter.

**A new process unit is defined as a process unit that initially began production of any product after 9/5/96.

FIGURE 3. ANNUAL EVALUATION FOR NON-EPPUs OR NON-TPPUs THAT HAVE RECENTLY PRODUCED, OR MAY SOON PRODUCE, ELASTOMER OR THERMOPLASTIC PRODUCTS

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Sections 63.480(f)(4) and 63.1310(f)(4). These proposed paragraphs, and proposed paragraphs §§ 63.480(f)(3) and 63.1310(f)(3), reflect the concepts originally promulgated as paragraphs §§ 63.480(f)(4)(i) through (f)(4)(iii) and 63.1310(f)(4)(i) and (f)(4)(iii). The original concepts have been modified to improve clarity and to complement other additions proposed for §§ 63.480(f) and 63.1310(f). These proposed paragraphs will pertain to owners or operators who are anticipating that their non-EPPU/TPPU process unit will begin manufacturing an elastomer/thermoplastic product in the near future, if the process unit has not produced any elastomer/thermoplastic products in the previous five-year period. These paragraphs will also pertain to process units for which the owner or operator has removed the EPPU/TPPU designation in accordance with proposed §§ 63.480(f)(9) or 63.1310(f)(9), but for which the owner or operator now anticipates future production of an elastomer/thermoplastic product. This proposed provision requires the owner or operator, in the situations described above, to redetermine the primary product for the process unit using the approach outlined in §§ 63.480(f)(1) and (f)(2) and 63.1310(f)(1) and (f)(2), except that, for flexible operation units, the owner or operator must base the prediction on the anticipated production for the five years (one year, for new process units) following the date that production of an elastomer/thermoplastic product will be initiated (instead of basing it on the period following September 5th (September 12th for subpart JJJ) of 1996, or on the period following the initiation of the production of any product).

Sections 63.480(f)(5) and 63.1310(f)(5). This proposed paragraph specifies that owners and operators of flexible operation units that are EPPU/TPPU's shall comply with subpart U or JJJ (as appropriate) for their primary product. Proposed §§ 63.480(f)(5)(i) and (f)(5)(ii) and 63.1310(f)(5)(i) and (f)(5)(ii) offer two exceptions to this requirement: (1) if no organic HAP are used in the manufacture of a particular product, only the provisions in §§ 63.480(b) and 63.1310(b) must be followed during the production of that product; and (2) if a product becomes subject to the National Emissions Standards for Pharmaceuticals (subpart GGG of part 63), the owner or operator need not comply with the provisions of this subpart during the manufacture of that product.

Sections 63.480(f)(6) and 63.1310(f)(6). These proposed paragraphs reflect the concepts originally promulgated as paragraphs §§ 63.480(f)(5)(i) and (f)(5)(ii) and 63.1310(f)(5)(i) and (f)(5)(ii). For flexible operation units, the group status of each emission point (except batch process vents) may be calculated in one of two ways, according to the proposed amendments in §§ 63.480(f)(6) and 63.1310(f)(6). The owner or operator has the option of (1) determining the group status for each emission point based on emission point characteristics when the primary product is being produced, or (2) determining the group status for each emission point based on emission point characteristics when each product produced by the flexible operation unit is being produced.

Sections 63.480(f)(7) and 63.1310(f)(7). The proposed provisions added as §§ 63.480(f)(7) and 63.1310(f)(7) state the requirements for setting parameter monitoring levels for flexible operation units. The proposed amendments allow owners and operators to either establish separate parameter monitoring levels for each product, or to establish a single parameter monitoring level (for each parameter required to be monitored at each device subject to monitoring requirements) for all products, depending on which option was chosen under §§ 63.480(f)(6) or 63.1310(f)(6), for conducting the group determination.

Sections 63.480(f)(8) and 63.1310(f)(8). The proposed provisions in §§ 63.480(f)(8) and 63.1310(f)(8) are largely similar to the promulgated provisions in §§ 63.480(f)(6) and 63.1310(f)(6), except that one promulgated requirement (§§ 63.480(f)(6)(ii)(B) and 63.1310(f)(6)(ii)(B)) was deleted. The deleted requirement was the requirement that the operating time and/or production mass for each product that was used to determine the primary product be reported in the Notification of Compliance Status. The EPA decided that this information was not needed in the Notification of Compliance Status; however, records of this data should be kept in accordance with §§ 63.506(a) and 63.1335(a). In addition, proposed paragraphs §§ 63.480(f)(8)(ii)(C) and (f)(8)(ii)(D) and 63.1310(f)(8)(ii)(C) and (f)(8)(ii)(D) were added, requiring the submittal of information regarding the parameter monitoring levels established according to §§ 63.480(f)(7) and 63.1310(f)(7) in the Notification of Compliance Status, because the EPA determined that this information would be needed in the Notification of Compliance Status.

Sections 63.480(f)(9) and 63.1310(f)(9). In the promulgated rule, procedures were provided for removing the EPPU/TPPU designation from a process unit in which the owner or operator has ceased making all elastomer/thermoplastic products, and in which the owner or operator does not anticipate the production of an elastomer/thermoplastic product in the future (in promulgated §§ 63.480(f)(3)(i) and 63.1310(f)(3)(i)). These provisions have been rewritten for clarity and moved to §§ 63.480(f)(9) and 63.1310(f)(9) in the proposed amendments.

Sections 63.480(f)(10) and 63.1310(f)(10). Because 40 CFR part 63 standards are developed using industry-specific considerations, the regulations often contain requirements tailored specifically to the particular processes used in the regulated industry. The primary product applicability approach is one used in many MACT standards to ensure that the process unit is only subject to one MACT standard, and that the standard to which it is subject is the one for the product that is produced in the process unit most of the time. If the production pattern changes and the process unit begins producing another product for the majority of the time, and the new primary product is subject to another MACT standard, the EPA believes it is appropriate that the unit be subject to the other MACT standard, rather than being subject to subpart U or JJJ.

Therefore, the EPA is proposing to add §§ 63.480(f)(10) and 63.1310(f)(10), which require the owner or operator to conduct a redetermination of applicability of these rules to a flexible operation unit ''whenever changes in production occur that could reasonably be expected to change the primary product'' from an elastomer or thermoplastic product to a product that would make the process unit subject to another subpart of part 63. Figure 4 illustrates the redetermination process for EPPUs or TPPUs that have made ''changes in production * * * that could reasonably be expected to change the primary product.''

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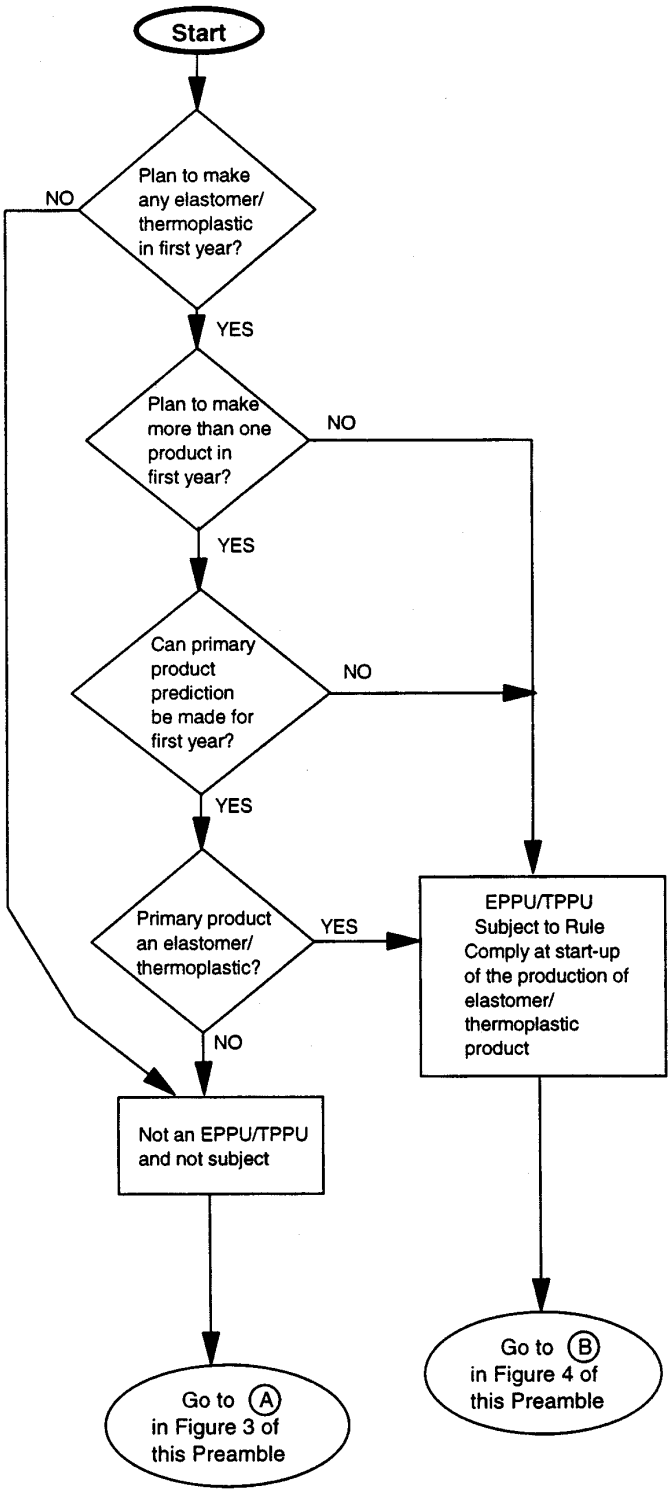

FIGURE 2. NEW SOURCE INITIAL DETERMINATION

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This redetermination of applicability is based on the ''primary product'' of the flexible operation unit being the ''product with the highest percentage of total operating time'' over the preceding five years, or since the process unit began producing any product, whichever is shorter. Given the length of time over which the primary product is determined for flexible operation units, the EPA believes that owners and operators will have ample time and opportunity to come into compliance with other NESHAP, should they become subject to other NESHAP as a result of the redetermination of primary product.

In addition, under the proposed provisions in §§ 63.480(f)(10)(iii) and 63.1310(f)(10)(iii), if a process unit (in which a elastomer/thermoplastic product is no longer the primary product, after a change in production) is subject to another subpart of part 63, that process unit remains designated as an EPPU or TPPU until the date upon which the process unit is required to be in compliance with the provisions of the other subpart to which it is subject.

Sections 63.480(g) and (h) and 63.1310(g) and (h): Storage Vessel Ownership and Recovery Operations Equipment Ownership. The EPA is proposing clarifying changes to make the wording and structure of these paragraphs parallel, because the EPA believes that this will make the provisions of each clearer and easier to follow. Specifically, the proposed revisions would make the wording of §§ 63.480(g)(6) and (g)(8) and 63.1310(g)(6) and (g)(8); and §§ 63.480(h)(6) and (h)(7) and 63.1310(h)(6) and (h)(7) parallel, respectively. This change is similar to the HON amendments to § 63.100(g), (h), and (i).

In addition, one of the conditions under which an owner or operator would have to re-determine the assignment of a particular storage vessel has been removed. The rule no longer requires that an assignment redetermination be performed whenever ''there is a change in the use of the storage vessel that could reasonably be expected to change the predominant use of that storage vessel.'' It is the EPA's position that it is not necessary to require a storage vessel assignment redetermination unless the storage vessel has begun receiving material from (or sending material to) a process unit that was not included in the initial determination, or has ceased to receive material from (or send material to) a process unit that was included in the initial determination. Unless one of the above-listed circumstances has occurred, it is highly unlikely that the assignment of a storage vessel to a particular process unit will have become inappropriate.

Sections 63.480(i) and 63.1310(i). The EPA is proposing a number of changes in §§ 63.480(i) and 63.1310(i). The most significant changes clarify the requirements that apply to additions of entire process units and individual emission points, and clarify the compliance dates for newly subject process units or equipment. In addition, other changes are being proposed to clarify what the EPA considers to be ''process changes,'' and to clarify the recordkeeping and reporting requirements associated with a process change.

Sections 63.480(i)(1)(i) and (ii) and 63.1310(i)(1)(i) and (ii). These revisions are being proposed because the promulgated drafting and structure in §§ 63.480(i) and 63.1310(i) caused confusion as to the equipment that would be subject to the new source requirements if the conditions in either §§ 63.480(i)(1)(i) or (ii) or 63.1310(i)(1)(i) or (ii) were met. Before discussing the specific changes, an explanation is needed regarding a fundamental basis of these provisions. It is not possible for a single affected source to be both subject to new source requirements (for any portion of the affected source) and to existing source requirements (for any other portion of the affected source). An affected source must be either a new affected source, with all of it's equipment subject to the new source requirements, or it must be an existing affected source, with all of it's equipment subject to the existing source requirements. The proposed changes to §§ 63.480(i)(1)(i) and (ii) and 63.1310(i)(1)(i) and (ii) are intended to clarify this situation.

First, the EPA is proposing to amend these paragraphs to clarify that a group of one or more newly added EPPU/TPPUs (making the same primary product), including their associated equipment, constitute a single ''addition'' to a plant site. In §§ 63.480(i)(1)(i) and 63.1310(i)(1)(i), the proposed languages makes it clear that the group of EPPU/TPPUs (and associated equipment) are a new affected source, provided that the applicable criteria are met. The applicable criteria consist of two separate ''sets'' of conditions, and one condition from each set must be met in order for the group of EPPU/TPPUs and their associated equipment to be considered a new source. The first set, contained in paragraphs §§ 63.480(i)(1)(i)(A) and (B) and 63.1310(i)(1)(i)(A) and (B), are related to the date of construction or reconstruction. If the construction of the group of EPPU/TPPUs commenced after June 12, 1995, then the condition in paragraph (A) would be met. If a group of one or more process units was originally constructed or reconstructed after June 12, 1995 (under subpart U) or after March 29, 1995 (under subpart JJJ), and then later began the production of an elastomer/thermoplastic product and became an EPPU/TPPU, then the condition in paragraph (B) would be met. This is a clarification from the promulgated requirements, which only addressed the date of the construction of the ''addition.'' The only proposed changes to the second set of criteria, which are contained in paragraphs §§ 63.480(i)(1)(i)(C) and (D) and 63.1310(i)(1)(i)(C) and (D), are related to the clarification what constitutes an ''addition,'' as discussed above.

The proposed amendments to §§ 63.480(i)(1)(ii) and 63.1310(i)(1)(ii) include the same changes described above for §§ 63.480(i)(1)(i) and 63.1310(i)(1)(i) related to the clarification of the ''addition.'' In addition, a new provision is being added to paragraphs §§ 63.480(i)(1)(ii) and 63.1310(i)(1)(ii) to specify the compliance date for a group of process units that have become EPPU/TPPUs due to a change in production that has made an elastomer/thermoplastic product the primary product of the process unit. In the proposed paragraphs §§ 63.480(f)(3) and 63.1310(f)(3), owners or operators of flexible operation units that are not EPPUs or TPPUs, but that continue to produce an elastomer/thermoplastic product are required to annually conduct a primary product determination based on historical production levels. If production has shifted such that an elastomer/thermoplastic product has become the primary product of a flexible operation unit, then the unit is designated an EPPU/TPPU and proposed §§ 63.480(f)(3)(iii) and 63.1310(f)(3)(iii) require that the owner or operator notify the EPA of this re-designation within 45 days of making the determination. The new provisions in §§ 63.480(i)(1)(ii) and 63.1310(i)(1)(ii) specify that owners or operators in the situation described above must be in compliance with the existing source requirements within 6 months from the date of the notification.

Sections 63.480(i)(2) and 63.1310(i)(2). Similar changes are being proposed for these paragraphs as those described above for §§ 63.480(i)(1) and 63.1310(i)(1). In §§ 63.480(i)(2)(i)(A) and 63.1310(i)(2)(i)(A), rather than referring to the definition of ''reconstruction'' in

subpart A, the proposed text refers to a newly proposed definition of ''reconstruction,'' in §§ 63.482(b) and 63.1312(b). The EPA is also proposing to clarify, in §§ 63.480(i)(2)(ii) and 63.1310(i)(2)(ii), that the compliance dates are July 31, 1997 for most equipment leaks and September 5, 1999 for most other emission points under subpart U, and are February 27, 1998 for most equipment leaks and September 12, 1999 for most other emission points under subpart JJJ. Please note that, as mentioned earlier, the compliance date for equipment leaks at PET affected sources was temporarily extended to no later than September 12, 1999 (62 FR 30993, June 6, 1997). Specifying the compliance dates in §§ 63.480(i)(2)(ii) and 63.1310(i)(2)(ii) eliminates the need for the promulgated paragraphs under §§ 63.480(i)(2)(iii) and 63.1310(i)(2)(iii). The EPA is proposing to remove these paragraphs and their subparagraphs, which specify requirements for submitting ''compliance schedules.'' The EPA believes that the requirement to create and submit compliance schedules is not necessary under subparts U and JJJ. Provided that the existing source is in compliance with the applicable requirements in subpart U or JJJ on the compliance date, the EPA has no need to know in advance how the owner or operator foresees bringing the existing affected source into compliance by the appropriate date. The burden is on the owner or operator to have a compliance plan that will guarantee that their source will be in compliance by the date given in subpart U or JJJ, for a particular emission point.

Promulgated §§ 63.480(i)(3) and 63.1310(i)(3). The EPA is proposing to remove the promulgated paragraphs §§ 63.480(i)(3) and 63.1310(i)(3), because it has been determined that §§ 63.480(i)(1) and (2) and 63.1310(i)(1) and (2) cover all possible scenarios (i.e., there is no way for a Group 2 emission point to become a Group 1 emission point without a process change or the addition of an EPPU/TPPU or emission point to the source.)

Sections 63.480(i)(5) and 63.1310(i)(5). The EPA is proposing a minor amendment to these paragraphs that would result in a decrease in burden on owners and operators. In these proposed amendments, a change in production capacity is only considered to be a ''process change'' if the change is an *increase* in production capacity.

Sections 63.480(i)(6) and 63.1310(i)(6). The proposed addition of these paragraphs will direct owners and operators to the newly proposed reporting requirements in §§ 63.506(e)(7)(v) and 63.1335(e)(7)(iv), which apply to additions and process changes. For the sake of completeness, the EPA is proposing to add an entire subparagraph describing the reporting requirements that apply to owners and operators as a result of both promulgated and proposed provisions in §§ 63.480(i)(1) and (i)(2) and 63.1310(i)(1) and (i)(2), at §§ 63.506(e)(7)(v) and 63.1335(e)(7)(iv), as will be discussed in greater detail in the section of this preamble that discusses proposed changes to §§ 63.506 and 63.1335.

Sections 63.480(j)(1) through (4) and 63.1310(j)(1) through (4). These proposed paragraphs contain the general operational requirements for compliance during periods of start-up, shutdown, malfunction, or non-operation of an affected source (or portion thereof). These proposed paragraphs largely mirror the promulgated HON paragraphs § 63.102(a)(1) through (4), with three primary exceptions.

First, the term ''emission limitation'' (as described in Section 302(k) of the Act) replaces the term ''provision'' throughout these proposed paragraphs. This proposed change addresses a concern on behalf of industry regarding exactly what the term ''provision'' covered (or, in other words, which regulatory requirements did *not* apply during periods of start-up, shutdown, malfunction, or non-operation.) The definition of ''emission limitation'' that is contained in section 302(k) of the Act is:

> A requirement * * * which limits the quantity, rate, or concentration of emissions of air pollutants on a continuous basis, including any requirement relating to the operation or maintenance of a source to assure continuous emission reduction and any design, equipment, work practice, or operational standard promulgated under the Act.

The EPA has determined that the term ''emission limitation,'' as defined under section 302(k) of the Act, is sufficiently broad to encompass any requirements that the owner or operator might need relief from, during a period of start-up, shutdown, malfunction, or non-operation.

Second, the fact that emission limitations do not apply during periods of start-up, shutdown, or malfunction is clearly spelled out in the proposed language in §§ 63.480(j)(1) and 63.1310(j)(1). The promulgated versions of subparts U and JJJ were not clear on this point.

Finally, proposed §§ 63.480(j)(3) and 63.1310(j)(3) clearly state the requirements for operating emissions control equipment and monitoring equipment during periods of start-up, shutdown, and malfunction. The promulgated rules and the HON were silent on the issue of monitoring during a start-up, shutdown, or malfunction, while these proposed amendments provide direct guidance on the control requirements and monitoring requirements during a period of start-up, shutdown, or malfunction.

These proposed amendments to subparts U and JJJ depart from the amended HON by specifically requiring monitoring during periods of start-up, shutdown, and malfunction. It is the EPA's position that requiring monitoring during these periods will provide the EPA with more information concerning whether or not Start-up, Shutdown, and Malfunction Plans were followed, and will provide the EPA with valuable information for assessing the adequacy of a source's Start-up, Shutdown, and Malfunction Plan for future situations.

The proposed paragraphs contain a provision allowing owners or operators to turn off monitoring equipment during start-up, shutdowns, or malfunctions, if the owner or operator can demonstrate that the monitoring equipment would be damaged or destroyed during those periods, as long as such a provision is included in the source's Start-up, Shutdown, and Malfunction Plan according to the procedures specified in the proposed requirements in §§ 63.506(b)(1), 63.1335(b)(1), 63.506(e)(3), and 63.1335(e)(3). The proposed procedures in §§ 63.506(b)(1) and 63.1335(b)(1) require that the owner or operator first submit a Precompliance Report or ''supplement to a Precompliance Report,'' demonstrating to the Administrator that the monitoring system would be damaged or destroyed if not shut off during a start-up, shutdown, or malfunction. This will allow the Administrator to have the opportunity to object to the inclusion of such a provision in the source's Start-up, Shutdown, and Malfunction Plan, if such a provision seems to be unwarranted or insufficiently supported in the Precompliance Report or supplement to the Precompliance Report. Under these proposed amendments, unless the Administrator objects to a request submitted in the Precompliance Report (or a supplement to the Precompliance Report) within 45 days of its receipt, that request will be deemed ''approved.''

2. Changes Unique to Polymers and Resins I

Section 63.480(d). In these proposed amendments, paragraphs (d)(2) and

(d)(3) in § 63.480 have been removed. The EPA believes that the provisions in § 63.480(d)(3) are not applicable to subpart U affected sources, because such facilities (i.e., solvent reclamation, recovery, or recycling operations at hazardous waste treatment, storage, and disposal facilities) are typically not co-located with EPPU. Those provisions were inadvertently incorporated with other HON provisions from § 63.100(j) into § 63.480(d) at promulgation. The EPA is also proposing to remove paragraph (d)(2), due to the fact that § 63.480(b) and (c)(1) (as proposed) address EPPUs and emission points not containing or using any organic HAP. With today's action, the EPA is requesting comments on the proposed removal of § 63.480(d)(2) and (d)(3) from subpart U.

Section 63.480(e). The EPA is proposing to edit paragraph (e) in § 63.480, to replace the incorrect references to ''subpart V'' with the correct references to subpart JJJ.

Proposed § 63.480(i)(3) and (i)(4). The EPA is proposing to amend the promulgated paragraph § 63.480(i)(4) (as § 63.480(i)(3) and (i)(4)), to specifically spell out to which emission points each applies (i.e., surge control vessels and bottoms receivers that become subject to § 63.170, or compressors that become subject to § 63.164). In § 63.480(i)(4), the EPA is also proposing to specifically refer to the compliance dates for compressors, as they are laid out in § 63.481(d).

3. Changes Unique to Polymers and Resins IV

Section 63.1310(e). The proposed language in this paragraph is intended to clarify that if only some emission points from a unit operation are regulated by another Maximum Achievable Control Technology (MACT) standard, then those particular emission points will remain subject to that other MACT standard. Therefore, instead of discussing ''unit operations,'' the proposed language discusses ''emission points from unit operations,'' so that there is no confusion over whether the emission points or the entire ''unit operation'' is subject to that other MACT standard.

Section 63.1310(i)(2)(ii). The EPA is proposing to add a condition to the list of circumstances that are considered to be ''process changes'' under § 63.1310(i)(2)(ii). The circumstance that the EPA is proposing to add in these amendments is a change resulting in baseline emissions from continuous process vents in the collection of material recovery sections at an existing affected source producing PET using a continuous dimethyl terephthalate process going from less than or equal to 0.12 kg organic HAP per Mg of product to greater than 0.12 kg of organic HAP per Mg of product. This proposed change in emission level is similar to changing from Group 2 to Group 1; it signifies that the owner or operator is now required to apply controls, so the EPA believes that adding this new condition to the list of circumstances that are considered to be ''process changes'' is appropriate.

Section 63.1310(i)(3). The EPA is proposing to change subpart JJJ so that surge control vessels and bottoms receivers are handled in the same manner for subpart JJJ, subpart U, and the HON. The EPA is proposing to consider surge control vessels and bottoms receivers to be subject to the requirements of subpart H of the HON, instead of considering them to be storage vessels and subject to the requirements in subpart G of the HON, as was done at promulgation of subpart JJJ. This proposed change would make subpart JJJ consistent with subpart U, with regard to how it handles surge control vessels and bottoms receivers, but it will not cause any change in the actual control requirements for surge control vessels and bottoms receivers. As a result, the EPA is proposing to add § 63.1310(i)(3), and to make other changes (to § 63.1312, in particular) as discussed elsewhere in this preamble.

Section 63.1310(i)(4). The EPA is proposing to clarify § 63.1310(i)(4) by referring specifically to compressors and by referring to the compliance dates for compressors in § 63.1311(d).

C. Compliance Dates and Relationship to Other Rules— Proposed Changes to § 63.481 and 63.1311

1. Changes Common to Polymers and Resins I and IV

It is anticipated that final action on the changes being proposed in today's document will occur shortly before the compliance dates for the non-equipment leak provisions of both subparts U and JJJ, as described in § 63.481 and 63.1311. The EPA believes that the changes proposed in today's action can generally be classified as changes to improve clarity and to increase flexibility in the testing, monitoring, reporting, and recordkeeping requirements in subparts U and JJJ. The EPA does not believe that these changes will cause a change in the compliance status of a facility. The EPA also does not believe that these amendments will effect major decisions that must be made by an owner or operator well in advance of the compliance date, such as whether a process is subject to the rule, or whether controls are required for an emission stream. Therefore, today's action does not include a proposed extension of the September 1999 compliance dates for existing sources.

However, while the EPA believes the proposed changes do not necessitate additional compliance time, the Agency recognizes that the possibility exists that there could be specific provisions in today's proposed changes that might effect the compliance status of one or more facilities. Nonetheless, the EPA is requesting comments on whether the proposed changes could place owners and operators in jeopardy of not being in compliance in September 1999, solely due to a proposed regulatory change. The EPA requests that commenters provide information on the additional time that they believe they would need, and the basis for the requested additional time period. In addition, the commenter should identify the specific rule change that is being requested and provide actual examples of how the rule change could cause a facility to be out of compliance when the September 1999 compliance date arrives, or when the changes are promulgated, whichever occurs later.

Title of § 63.481 and 63.1311. Because the Notification of Compliance Status is the report in which compliance (or non-compliance) is ultimately documented, the EPA has decided that it is not necessary for owners or operators of affected sources to submit a compliance schedule. For this reason, the EPA is proposing to remove the term ''compliance schedule'' throughout both rules (including the titles for § 63.481 and 63.1311), and to remove all requirements to report information in a ''compliance schedule'' throughout both rules. The titles of § 63.481 and 63.1311 are proposed to change from ''Compliance schedule and relationship of this rule to existing applicable rules,'' to ''Compliance dates and relationship of this rule to existing applicable rules.''

Sections 63.481(d) and 63.1311(d). The EPA is proposing changes to §§ 63.481(d) and 63.1311(d) that will allow owners and operators to request compliance extensions for equipment leaks in the same manner in which they would request a compliance extension for any other emission point. The promulgated version of §§ 63.481(d) and 63.1311(d) referred owners and operators to section 112(i)(3)(B) of the Act (via § 63.182(a)(6) of subpart H) for instructions on how to request a compliance extension for an equipment leak. The EPA found that the requirements in §§ 63.481(e) and 63.1311(e) satisfied the requirements in

section 112(i)(3)(B) of the Act; therefore, the EPA is proposing to simplify subparts U and JJJ by providing the same requirements (those in §§ 63.481(e) and 63.1311(e)) for owners and operators requesting a compliance extension for any emission point (i.e., for equipment leaks or other emission points).

Sections 63.481(d)(2)(iv) and 63.1311(d)(2)(iv). The EPA is proposing a clarifying edit to §§ 63.481(d)(2)(iv) and 63.1311(d)(2)(iv), to ensure that owners and operators realize that they only need to send their request for a compliance extension (for compressors) to the appropriate U.S. EPA Regional Office.

Sections 63.481(e) and 63.1311(e): Request for Compliance Extension. The EPA is proposing to amend §§ 63.481(e) and 63.1311(e) to allow requests for compliance extensions to be submitted in a separate submittal (as opposed to only in either the operating permit application or the Precompliance Report), and to allow requests for extensions to be made up until 120 days prior to the applicable compliance dates (at promulgation, the request had to be made one year in advance of the compliance date—i.e., when the Precompliance Report was due).

Furthermore, §§ 63.481(e)(3) and 63.1311(e)(3) are new paragraphs that are modeled after § 63.151(a)(6)(iv), proposing to allow a request for a compliance extension later than 120 days prior to the compliance date, under special circumstances. An example of such circumstances (''beyond reasonable control of the owner or operator'') would be if the owner or operator signed a contract to have control equipment installed by a date much earlier than the compliance date, but the contractor responsible for providing or installing that control equipment was not able to deliver the equipment and/or install it before the compliance date. The proposed addition of §§ 63.481(e)(3) and 63.1311(e)(3) would allow the owner or operator to request a compliance extension during the last 120 days before the compliance date, if the need arose during that 120 day period and if the need was due to circumstances beyond the reasonable control of the owner or operator. Submission of a compliance extension request would not, however, stay the applicability of subparts U and JJJ to the applicant during the pendency of the request.

The EPA is proposing these revisions to be consistent with the HON amendments to § 63.151(a)(6), and in recognition of the fact that review of most requests for compliance extensions can be completed within 120 days, and it is unlikely that the EPA would need 12 months to complete the review of such a request. In addition, the EPA is proposing to allow submittal of extension requests up to the compliance date in recognition that unforeseen difficulties, such as construction or operational difficulties can arise in the last moments of compliance planning. The proposed provisions in §§ 63.481(e)(3) and 63.1311(e)(3) are also considered necessary because it is unlikely that these proposed revisions will be final more than 120 days prior to the September 1999 compliance dates for certain control requirements. Any changes in the wording or requirements of the final rule could affect compliance planning for a source. Therefore, the EPA believes that it is necessary to provide owners and operators with some opportunity to apply for compliance extensions after the date that is 120 days prior to the compliance date.

Sections 63.481(k) and 63.1311(m). In the promulgated rule (§§ 63.481 and 63.1311), the EPA attempted to address the problem of overlapping requirements by specifying which provisions apply for each of the known cases of overlapping rules. It has come to the EPA's attention, however, that there was another broad category of overlapping Resource Conservation and Recovery Act (RCRA) requirements that were not addressed in the promulgated versions of subparts U and JJJ. In today's amendments, the EPA is proposing provisions to allow the use of certain RCRA-required monitoring, recordkeeping, and reporting provisions to satisfy the corresponding requirements in subparts U and JJJ. These proposed provisions would be added as §§ 63.481(k) and 63.1311(m).

Absent the proposed provisions, subparts U and JJJ would require the owner or operator to comply with the applicable monitoring, recordkeeping, and reporting provisions of subpart U or subpart JJJ, as well as those from RCRA rules, in cases where the same control device (e.g., an incinerator or adsorber) is subject to a RCRA rule and would be used to comply with the requirements for the non-wastewater provisions of subpart U or JJJ (through cross-reference to the HON wastewater provisions, this overlap problem was not an issue for wastewater streams at promulgation). Compliance with the applicable monitoring, recordkeeping, and reporting requirements of subpart U or JJJ as well as those in a RCRA rule would significantly increase the cost of compliance demonstrations without providing a corresponding environmental benefit. Therefore, to reduce this burden, the EPA is proposing to allow an owner or operator to elect to use the monitoring, recordkeeping, or reporting requirements in 40 CFR parts 260 through 272, instead of those otherwise required under subparts U and JJJ.

The EPA considers this proposed consolidation of overlapping monitoring, recordkeeping, and reporting requirements to be appropriate because the RCRA air rules and subparts U and JJJ have the same objective and monitor similar operational characteristics of control devices. In general, the RCRA requirements tend to require more frequent monitoring, and the retention of more detailed information. Therefore, it is possible to use the RCRA data and reports to demonstrate compliance with the monitoring, recordkeeping, and reporting requirements of subparts U and JJJ, for certain control devices.

Sections 63.481(l) and 63.1311(n). The EPA is proposing to add a paragraph at §§ 63.481(l) and 63.1311(n) to address instances in which requirements from other part 63 regulations overlap for the same heat exchange system(s) or waste management unit(s) that are subject to subpart U or JJJ. Under the proposed additions of §§ 63.481(l) and 63.1311(n), compliance with subpart F (or another subpart of part 63 that requires compliance with § 63.104) for heat exchange systems, and/or compliance with subpart G (or another subpart of part 63 that requires compliance with §§ 63.132 through 63.147) for waste management units, constitutes compliance with the heat exchange system requirements and/or waste management unit requirements in subpart U or JJJ.

2. Changes Unique to Polymers and Resins I

Section 63.481(d)(5) and (6). The EPA is proposing to change the compliance date to September 5, 1999 (instead of September 6, 1999) in both of these paragraphs so that they are consistent with other provisions in subpart U (e.g., § 63.480(i)(3)).

Section 63.481(j). The proposed addition of § 63.481(j) mirrors a provision that was promulgated in subpart JJJ (as § 63.1311(k)). This provision states that sources that were previously subject to 40 CFR part 60, subpart VV and that become subject to subpart JJJ will no longer be subject to the provisions in 40 CFR part 60, subpart VV on the compliance dates specified in subpart JJJ . A similar provision should have also been

included in subpart U at promulgation, but was overlooked at that time; therefore, the EPA proposes adding this provision at § 63.481(j).

3. Changes Unique to Polymers and Resins IV

Section 63.1311(d)(3) and (d)(5). The EPA is proposing to change the compliance date in § 63.1311(d)(3) from September 14, 1998 to September 12, 1998, and to change the compliance date in § 63.1311(d)(5) from September 13, 1999 to September 12, 1999 in order to be consistent with other provisions throughout subpart JJJ (e.g., § 63.1311(b) and (c)).

Section 63.1311(i)(3). The EPA is proposing to add this paragraph to clarify the intent of the promulgated rule that existing affected sources producing PET that are subject to and complying with the ethylene glycol concentration limits from the Polymers Manufacturing NSPS (i.e., 40 CFR 60.562–1(c)(1)(ii)(B) or 60.562–1(c)(2)(ii)(B)) shall continue to comply with those requirements, and not the requirements of subpart JJJ.

D. Definitions—Proposed Changes to §§ 63.482 and 63.1312

1. Changes Common to Polymers and Resins I and IV

In the definition section of subparts U and JJJ, several changes were necessitated as a result of changes to the HON definitions that they cross-referenced. Paragraphs §§ 63.482(a) and 63.1312(a) contain a list of terms for which definitions are ''borrowed'' from other part 63 subparts; specifically subpart A (General Provisions) and subparts F, G, and H (HON). Many of the referenced HON definitions include references to specific HON sections or to HON tables. The EPA has concluded that this situation could cause confusion when those definitions are applied to subparts U and JJJ. Therefore, the EPA has removed several terms from the lists in §§ 63.482(a) and 63.1312(a) and has defined them in §§ 63.482(b) and 63.1312(b). This proposed change is intended to clarify the applicability of the definitions to subpart U and JJJ affected sources, and the EPA does not intend for any of the newly proposed definitions to change the meaning of the terms that are being defined in §§ 63.482(b) and 63.1312(b), instead of cross-referenced through §§ 63.482(a) and 63.1312(a). Examples of such terms include ''maximum true vapor pressure'', ''flexible operation unit,'' and ''continuous record.''

In addition, the EPA determined that references to several terms were not needed because these terms are not used in subparts U and/or JJJ. The EPA is also proposing to remove these terms from the list in §§ 63.482(a) and 63.1312(a). Examples include ''reference control technology for process vents'' and ''fixed roof.'' Also, due to changes in the HON, the EPA is proposing to remove several terms that were referenced at promulgation. For example, the promulgated HON amendments no longer contain a definition of the term ''point of generation,'' which was cross-referenced by §§ 63.482(a) and 63.1312(a) at promulgation of subparts U and JJJ. Finally, the EPA is proposing to remove cross-references to certain subpart A and HON definitions, and to instead provide definitions that are specific to subpart U and/or JJJ, to improve clarity in subparts U and JJJ. Every definition discussed below represents a proposed change from the promulgated rules.

Aggregate batch vent stream. In this definition, the EPA proposes to remove the last phrase (''before being routed to a control device that is in continuous operation'') to remove any implication that the control device defines the vent stream. In addition, the EPA is proposing to add the concept of hard-piping or otherwise connecting batch process vents together (to create continuous flow) to the definition of an aggregate batch vent stream.

Annual Average Batch Vent Concentration. The EPA is proposing to add a definition for this term for the sake of specificity in the rule, and to distinguish it from the term ''annual average concentration,'' which applies to concentrations in wastewater streams. The newly proposed term (''annual average batch vent concentration'') is used only with regard to batch vents, whereas the promulgated term ''annual average concentration'' was used in reference to both batch vents and wastewater streams. This proposed separation of terms should reduce the confusion caused by using the same term for both situations in the promulgated rules.

Annual Average Batch Vent Flow Rate. The EPA is proposing to include two separate definitions for ''annual average flow rate,'' and ''annual average batch vent flow rate,'' to minimize confusion between the applicability of the two terms to process wastewater (for which the term ''annual average flow rate'' is used) as opposed to batch process vent streams (for which the term ''annual average batch vent flow rate'' is used).

''Annual Average Concentration'' and ''Annual Average Flow Rate''. The EPA is proposing to add definitions for these terms, and to remove these terms (which were listed as being defined in § 63.111 of subpart F) from the list of cross-referenced definitions in the promulgated versions of subparts U and JJJ. The newly proposed definitions of these terms in §§ 63.482(b) and 63.1312(b) point to the HON requirements, but remind owners and operators to apply the exceptions listed in §§ 63.501 and 63.1330 to the wastewater provisions in the HON.

''Average Batch Vent Concentration''. The addition of this definition is being proposed because it became apparent that terms such as ''average batch concentration'' and ''average concentration'' were used inconsistently throughout the rules. In today's proposed amendments, the EPA has eliminated the use of the terms ''average batch concentration'' and ''average concentration'' throughout subparts U and JJJ, and has replaced those terms with the more specific term ''average batch vent concentration'' throughout both proposed rules.

''Average Batch Vent Flow Rate''. The EPA is proposing to define this term both for the sake of accuracy and specificity in these rules, and in order to distinguish it from the term ''average flow rate,'' which is not used in subpart U or JJJ, but is used in the wastewater provisions in the HON, which these subparts reference. ''Average flow rate'' is defined in § 63.111 of subpart G.

''Batch Cycle Limitation''. The EPA is proposing to remove the whole concept of the ''batch cycle limitation'' (per se) and replace it with a ''batch mass input limitation.'' Therefore, the EPA is proposing to remove this definition from subparts U and JJJ. See Section II.I of this notice for more details regarding the proposed change to a batch mass input limitation.

''Batch Front-end Process Vent'' and ''Batch Process Vent''. The EPA is proposing several changes to these definitions. The first is to replace the term ''point of emission'' with the term ''process vent'' throughout the definitions of ''batch front-end process vent'' and ''batch process vent,'' because the only emission points that are considered to be batch front-end process vents or batch process vents are process vents. The second proposed change to these definitions is to restructure them so that it is clear that if a process vent has less than 225 kilograms per year (kg/yr) of organic HAP emissions, then that process vent is not a batch process vent. Finally, the EPA is proposing to edit these definitions to add specific references to where and how the annual organic HAP emissions are measured to determine whether or not at least 225

kg/yr are being emitted from the process vent. Similar changes are also being proposed in the definitions of ''Group 1 Batch Front-end Process Vent'' and ''Group 1 Batch Process Vent,'' in subparts U and JJJ, respectively, as described in more detail below.

''Batch Mass Input Limitation''. This definition was added as a result of the proposed change discussed under Section II.I of this notice, which would replace the batch cycle limitation concept with the batch mass input limitation concept (i.e., the units used in the limitation are being proposed to be changed from ''number of cycles'' to ''mass input'').

''Batch Mode,'' ''Batch Front-end Process,'' ''Batch Process Vent,'' ''Batch Process,'' and ''Batch Unit Operation''. The new definition for ''batch mode'' is part of a set of proposed changes to the definitions of ''batch process,'' ''batch front-end process,'' and ''batch unit operation.'' It has been suggested that the promulgation definitions of batch front-end process vent/batch process vent, batch process, and batch unit operation, and continuous process, continuous process vent, and continuous unit operation caused confusion. In considering the intent and usage of these terms, the EPA has decided to propose changes to these definitions. First, for the production of some thermoplastic products, an entire process unit must be classified as ''batch'' or ''continuous,'' because some subcategories (and the resulting control requirements) were established on this basis. For purposes of establishing a process unit as either ''batch'' or ''continuous,'' the terms ''batch process'' and ''continuous process'' are used. The definitions of those terms classify the process unit as ''batch'' or ''continuous'' based on whether the reactor(s) in the process unit are operated in a ''batch mode'' or ''continuous mode'' (the EPA is also proposing to replace the terms ''batch process mode'' and ''continuous process mode'' with the terms ''batch mode'' and ''continuous mode'' in these amendments).

However, the EPA intended, and continues to intend, that a process vent be classified as ''continuous'' or ''batch'' based on the unit operation from which the emissions originate. It is possible that in a process where the reactor is operated in a batch mode (thus meaning the entire process is operated as a ''batch process''), subsequent unit operations could be continuous. In fact, in the elastomer and thermoplastic industries, it is common for the reactors to be batch and the finished unit operations (e.g., dryers) to be continuous. Therefore, within a batch process, there would be some batch process vents (e.g., reactor vents) and some continuous process vents (e.g., dryer vents).

In an attempt to clarify this situation, the EPA is proposing to add and amend related definitions. The foundation for the proposed concepts is the newly added definitions of ''batch mode'' and ''continuous mode,'' which describe operational characteristics of these two ''modes.'' The EPA is proposing to modify the definitions of ''batch unit operation'' and ''continuous unit operation,'' basing the definitions on whether the unit operation is operated in a batch (or continuous) mode. This is consistent with the promulgated approach, which classified process vents based on whether they originated at a batch or continuous unit operation. Finally, the EPA is proposing to modify the definitions of ''batch process'' and ''continuous process'' so that these definitions are based on whether the reactors are operated in a batch or continuous mode. The EPA believes that these proposed changes should eliminate the confusion between these terms.

''Combined Vent Stream''. The EPA is proposing to add this definition to clarify what could be included in a ''combined vent stream'' (e.g., a combination of two or more of the following types of process vents: batch process vents, continuous process vents, and aggregate batch vent streams), for the purposes of subparts U and JJJ.

''Compliance Schedule''. For the reasons explained more fully in section B.1. of this notice, the EPA is proposing to remove this term from the list of cross-referenced definitions contained in §§ 63.482(a) and 63.1312(a) because it is no longer cross-referenced or used in subpart U or JJJ.

''Construction''. The EPA is proposing to add definitions of ''construction'' which are specific to subparts U and JJJ. In the newly proposed definitions, the term ''stationary source'' (which was used in the HON definition) is replaced with the term ''affected source,'' in order to clarify that the newly proposed definitions only apply to the construction of a subpart U or JJJ ''affected source.'' The proposed definitions also make clear (as proposed under §§ 63.480(i)(1) and 63.1310(i)(1)) that the addition of an EPPU/TPPU or group of EPPU/TPPU's triggers the definition of ''construction'' when the ''addition'' of the EPPU/TPPU is the result of a change in primary product (causing a formerly non-elastomer/non-thermoplastic product process unit to become an EPPU/TPPU), if the other requirements listed in §§ 63.480(i)(1) and 63.1310(i)(1) are met.

''Continuous Mode,'' ''Continuous Front-end Process Vent,'' ''Continuous Process Vent,'' ''Continuous Process,'' and ''Continuous Unit Operation''. The proposed changes to these definitions mirror those being proposed for the definitions of ''batch mode,'' ''batch front-end process vent'', ''batch process vent'', ''batch process,'' and ''batch unit operation.'' An explanation for those proposed changes is given above, under the subsection entitled *''Batch Mode; Batch Front-end Process; Batch Process Vent; Batch Process; and Batch Unit Operation.''* However, other unrelated changes were also made to these definitions, as described in other parts of this section, including under ''Changes Unique to Polymers and Resins I,'' and ''Changes Unique to Polymers and Resins IV.''

''Continuous Record'' and ''Continuous Recorder''. The EPA has determined that it was incorrect to merely cross-reference the definitions of these two terms in § 63.111, and is proposing to add these two definitions to subparts U and JJJ by modelling the new definitions after the HON definitions, but substituting the appropriate references to the recordkeeping and reporting requirements in subparts U and JJJ for the HON references used in the definitions in § 63.111.

''Duct Work''. In §§ 63.482(a) and 63.1312(a), the EPA is proposing to add a cross-reference to the definition of the term ''duct work'' in the HON (§ 63.161) because the EPA is also proposing to use this term as a clarifying measure in the definitions of EPPU and TPPU (see explanations for changes to those definitions in this section).

''Emission Limitation''. Due to some ambiguity in the distinction in meaning between the terms ''provisions,'' ''emission limitations,'' and ''emission standards,'' the EPA is proposing to clearly define what is meant when these rules refer to an ''emission limitation,'' by cross-referencing the definition of that term in Section 302(k) of the Clean Air Act (Act). The Act defines an emission limitation as:

> ''a requirement * * * which limits quantity, rate, or concentration of emissions of air pollutants on a continuous basis, including any requirement relating to the operation or maintenance of a source to assure continuous emission reduction and any design, equipment, work practice or operational standard promulgated under this Act.''—Section 302(k).

The EPA believes that this definition encompasses percent HAP reduction requirements, outlet concentration

requirements, compliance options that specify the use of a flare, temperature requirements for condensers, and a variety of other provisions intended to reduce emissions, including leak detection and repair (LDAR) programs for the control of emissions from equipment leaks.

Because section 112(h)(1) draws a distinction between the use of the term ''emission standard'' and the use of the term ''emission limitation,'' the EPA decided it would be best to specifically refer to the broader term (defined in Section 302(k) of the Act), especially due to the manner in which that term is used in the proposed revisions to §§ 63.480(j) and 63.1310(j).

''Emission Point''. The EPA is proposing a correction to the definition of ''emission point,'' by specifying that ''waste management units,'' rather than each ''wastewater streams'' are emission points. As a result of the HON amendments, ''equipment subject to § 63.149'' has also been added to the list of emission points described in this definition.

''Equipment''. At promulgation of subparts U and JJJ, the definition of ''equipment'' in § 63.161 was cross-referenced. However, it came to the EPA's attention that unilaterally cross-referencing that definition was problematic, in that the definition of ''equipment'' in § 63.161 was not appropriate for non-equipment leak components. The definition of ''equipment'' in § 63.161 applies uniquely to equipment leak components, described for the purposes of subpart H. For that reason, rather than cross-referencing the definition in § 63.161, the EPA is proposing to add definitions for ''equipment'' to both subparts U and JJJ, to define the term ''equipment'' for specific use with the equipment leak provisions in subparts U and JJJ.

''Existing Affected Source'' and ''New Affected Source''. The EPA is proposing to add definitions for the terms ''existing affected source'' and ''new affected source'' that refer to the appropriate criteria in §§ 63.480(a) and 63.1310(a).

''Existing Process Unit'' and ''New Process Unit''. The proposed definitions of ''existing affected source'' and ''new affected source'' are not appropriate to use in some parts of §§ 63.480(f) and 63.1310(f), because, at the time that an owner or operator is determining whether or not a process unit is subject to subpart U or subpart JJJ, it is not yet part of an ''affected source.'' Therefore, the proposed definitions for ''existing process unit'' and ''new process unit'' mirror the definitions for ''existing affected source'' and ''new affected source,'' except that the proposed definitions apply to process units rather than entire sources.

''Flexible Operation Unit''. The EPA is proposing to add a definition for this term to both subparts U and JJJ, instead of cross-referencing the definition in § 63.101 (as was done at promulgation), because the HON definition of ''flexible operation unit'' refers to ''chemical manufacturing process units.'' The proposed definitions to be added to subparts U and JJJ are modeled after the HON definition of ''flexible operation unit,'' but discuss ''process units'' instead of ''chemical manufacturing process units.''

''Group 1 Batch Front-end Process Vent'' and ''Group 1 Batch Process Vent''. The EPA is proposing to amend these definitions in order to clarify how and where the annual organic HAP emissions and annual average batch vent flow rate are determined.

''Group 1 Wastewater Stream''. The proposed amendments to this definition reflect the amendments promulgated for the definition of ''Group 1 wastewater stream'' in § 63.111. The EPA is also proposing to clarify that the wastewater streams are ''from'' (not ''at'') an existing or new affected source, so that wastewater streams that are from a non-thermoplastic or non-elastomer facility, but that flow across property belonging to an affected source without being changed or added to in any way, are not necessarily considered to be Group 1 wastewater streams under subparts U and JJJ. Other proposed changes include a reference to the Group 1 criteria in the HON (§ 63.132(c)) and references to the organic HAP tables in subpart U and subpart JJJ, respectively, and to § 63.501(a)(10) for subpart U and § 63.1330(b)(8) for subpart JJJ.

''Hard-piping''. In §§ 63.482(a) and 63.1312(a), the EPA is proposing to add a cross-reference to the definition of this term in the HON (§ 63.111) because the EPA is also proposing to use this term as a clarifying measure in the definitions of EPPU and TPPU (see explanations for changes to those definitions in this section).

''Highest-HAP Recipe''. The EPA is proposing to add this definition to both subparts U and JJJ in essence to replace the concept of ''worst-case HAP emitting product'' which was promulgated in both rules. The concept of ''highest-HAP recipe'' is much more straightforward, and the product meeting the definition of ''highest-HAP recipe'' is more easily determined than the ''worst-case HAP emitting product.'' The explanation of the proposed amendments to the batch process vent group determination procedures in Section II.I of this notice provides more detail on the rationale behind this change.

''Initial Start-up''. The EPA is proposing to add a definition for ''initial start-up'' that mirrors the definition in § 63.101, except that initial start-up is triggered by the first time that an elastomer or thermoplastic product is produced in the unit or equipment, rather than by the first time the unit begins production or the equipment is put into operation for any product.

''Maintenance Wastewater''. The EPA is proposing to add a definition for ''maintenance wastewater'' to subpart U, and to amend the promulgated definition of ''maintenance wastewater'' in subpart JJJ, so that both definitions mirror the HON definition for this term in § 63.101, with a special provision stating that the generation of wastewater from the routine rinsing or washing of equipment in batch operation between batches is not maintenance wastewater, but is considered to be process wastewater, for the purposes of subparts U and JJJ.

''Maximum True Vapor Pressure''. The EPA is proposing to remove this definition from the list of cross-referenced definitions in §§ 63.482(a) and 63.1312(a), and to add a definition specific to subparts U and JJJ, because, unlike the HON, these rules do not cover transfer operations.

''Month'' and ''Year''. The EPA is proposing to delete the definitions of ''month'' and ''year'' from subpart U, and to delete the definition of ''year'' from subpart JJJ, because these definitions could be misleading, since the proposed paragraphs §§ 63.481(m) and 63.1311(o) define all calendar periods. The EPA is also requesting comments on the idea of removing these definitions from § 63.1423(b) of subpart PPP, the Polyether Polyols Production NESHAP.

''Multicomponent System''. The EPA is proposing to add a definition for this term in order to clarify the term's meaning (due to its use in §§ 63.488(b) and 63.1323(b)), which is that a ''multicomponent system'' is a stream whose liquid and/or vapor contains more than one compound.

''Net Positive Heating Value''. The EPA is proposing to add a definition for ''net positive heating value,'' because this term is used in the definition of ''recovery device.'' The proposed definition explains that, as used in subparts U and JJJ, ''net positive heating value'' is the difference between the heat value of the recovered chemical stream and the minimum heat value required to ensure a stable flame in a

combustion device. This difference must have a positive value when used in the context of ''recovering chemicals for fuel value,'' which is one of the distinguishing characteristics of a ''recovery device,'' as defined in subparts U and JJJ. The proposed addition of a definition of ''net positive heating value'' is important because it helps distinguish between recovery devices and devices that are not recovery devices, insofar as the properties listed in subparts U and JJJ describe a ''recovery device.''

''*On-site*''. The EPA is proposing to add this definition, based on the definition for the same term that was added in the amendment to § 63.101. This is needed because the EPA is also proposing an amendment to §§ 63.506(h)(1)(vi) and 63.1335(h)(1)(vi), specifying the requirements for keeping descriptions of monitoring systems at affected sources (based on the amendment to the HON that added similar requirements at § 63.152(g)(1)(vi)(D).) The proposed definition of ''on-site'' clarifies that the records may be kept anywhere at the source, such as a central filing area.

''*Operating Day*''. The EPA is proposing to add a definition for the term ''operating day'' in order to distinguish an operating day from a calendar day. Operating days are important for the purposes of determining daily average monitoring values and batch cycle daily average monitoring values.

''*Organic Hazardous Air Pollutant(s) (Organic HAP)*''. The EPA is proposing to amend this definition, in order to reduce the burden on industry that was implied by the promulgated clause that said that any chemical that ''has been or will be reported under any Federal or State program, such as EPCRA section 311, 312, or 313 or Title V,'' was an organic HAP. The proposed definition states that only chemicals listed in Table 5 of subpart U (for subpart U), or Table 6 of subpart JJJ (for subpart JJJ), or that are listed in Table 2 of subpart F, that are ''knowingly produced or introduced'' into the manufacturing process constitute ''organic HAP'' for the purposes of subparts U and JJJ.

''*Process Unit*''. Because the terms ''pipes'' and ''ducts,'' which were used in the promulgated version of this rule, were undefined, the EPA has refined the terminology, to use the terms ''hard-piping'' and ''duct work.'' The proposed amendments to §§ 63.482(a) and 63.1312(a) now cross-reference the definitions of ''hard-piping'' and ''duct work'' in §§ 63.111 and 63.161, respectively.

''*Process Vent*''. The EPA is proposing to amend this definition primarily in order to clarify what constitutes the ''beginning'' and what constitutes the ''end'' of a process vent. Under the proposed changes to this definition, a gaseous emission stream is no longer considered to be a process vent after the stream has been controlled and monitored in accordance with the applicable provisions of these rules.

''*Product*''. The EPA is proposing to amend the definition of ''product'' in subparts U and JJJ in order to clarify that there can be several different ''recipes'' (see below) for the same product, and that, in the case of elastomer products, there can be more than one ''grade'' for a product (see Section II.D of this notice). An additional sentence also clarifies that non-polymer chemicals are considered to be products, if they are manufactured at a process unit.

''*Recipe*''. The EPA is proposing to add a definition for the term ''recipe,'' as a very specific mixture of monomers, additives, or other reactants. This new definition would clarify that a single type of product (e.g., butyl rubber or acrylonitrile butadiene styrene latex) could be produced using several different recipes.

''*Reconstruction*''. The EPA is proposing to add a definition of ''reconstruction'' that is specific to subparts U and JJJ. In the newly proposed definition, the term ''stationary source'' (used in the HON definition of ''reconstruction'') has been replaced with the term ''affected source,'' in order to clarify that this definition only applies to the reconstruction of a subpart U or JJJ ''affected source.'' The proposed definitions also make clear that (as proposed under §§ 63.480(i)(2) and 63.1310(i)(2)) the addition of an emission point triggers the definition of ''reconstruction,'' when the ''addition'' of the emission point is the result of a process change that caused a Group 2 emission point to become a Group 1 emission point, or that caused a non-emission point to become a new ''emission point,'' as defined in subparts U and JJJ, as long as the other requirements listed in §§ 63.480(i)(2) and 63.1310(i)(2) have also been met.

''*Recovery Device*''. The definition of ''recovery device'' that the EPA is proposing to add to subparts U and JJJ is modeled after the amended definition for the same term in § 63.101. However, the proposed definition has been slightly restructured by including the purposes for which a recovery device may be used in a numbered list.

''*Recovery Operations Equipment*''. The EPA is proposing to amend this definition to clarify that recovery or recapture devices used as control devices are not considered to be ''recovery operations equipment.''

''*Residual*''. The EPA is proposing to add a definition for the term ''residual'' (instead of simply cross-referencing the definition found in § 63.111), to clarify that residuals for subparts U and JJJ will be liquid or solid materials containing organic HAP listed in Table 5 of subpart U (for subpart U) or in Table 6 of subpart JJJ (for subpart JJJ) that are removed from a wastewater stream by a waste management unit.

''*Shutdown*'' *and* ''*Start-up*''. The EPA is proposing to add definitions of ''shutdown'' and ''start-up'' that are modeled after the HON definitions that subparts U and JJJ previously cross-referenced (§ 63.101), but which have been modified slightly to include subpart U and JJJ cross-references, and to add provisions specific to batch process vents.

''*Storage Vessel*''. The EPA is proposing to amend this definition to remove the implication that if a tank is not assigned to an EPPU or TPPU, it is not a storage vessel. A correction is also being proposed in subpart U, which would change the incorrect term ''bottoms receiver tanks'' to the correct term ''bottoms receivers.''

''*Total Resource Effectiveness (TRE) Index Value*''. The EPA is proposing to add a rule-specific definition for this term in both subpart JJJ and subpart U. The proposed definitions are largely modeled after the definition of the same term in § 63.111, but contain changes specific to the individual rules to which they apply.

''*Vent Stream*''. The EPA is proposing to add a definition for the term ''vent stream'' (instead of simply cross-referencing the definition found in § 63.111), because the definition of ''vent stream'' in § 63.111 did not include the concept of batch process vents or aggregate batch vents.

''*Waste Management Unit*''. The definition of ''waste management unit'' that the EPA is proposing to add to subparts U and JJJ refers to the amended definition of the term in § 63.111, with a few word substitutions (e.g., replacing CMPU with EPPU or TPPU). The amended definition of ''waste management unit'' in § 63.111 helps clarify the idea that only once wastewater has been *discarded* from the process unit does it become subject to the wastewater provisions. The amended HON definition also draws a clear distinction between waste management units and recovery equipment that is considered to be part of the process unit.

''*Wastewater*''. The definition for ''wastewater'' that the EPA is proposing to add to subparts U and JJJ is largely modeled after the amended HON definition for the same term in §§ 63.101 and 63.111, except that it refers to the appropriate organic HAP lists in subparts U and JJJ (i.e., Table 5 of subpart U and Table 6 of subpart JJJ). The EPA is proposing to add these definitions for the term ''wastewater'' to subparts U and JJJ and to delete the cross-references to the HON definition that were promulgated under §§ 63.482(a) and 63.1312(a). However, the proposed definitions in subparts U and JJJ otherwise mirror the definition promulgated in § 63.111, which was amended in order to add the concept of the fluid having been ''discarded'' from a process unit. The proposed ''discard'' concept is fundamental in distinguishing which fluids exiting the EPPU or TPPU are subject to the wastewater provisions in §§ 63.501 or 63.1330, respectively. Together with the point of determination and in-process equipment concepts in the amended HON, the proposed definition of ''wastewater'' in subparts U and JJJ, like the amended HON definition, makes decision-making for owners and operators of facilities (and for regulatory authorities) more straightforward, and makes the proposed rules easier to implement than the promulgated rules. Because fluids in the in-process equipment are also controlled under §§ 63.501 and 63.1330 in these proposed amendments, emission reductions will not be affected by these proposed changes.

''*Wastewater Stream*''. The EPA is proposing to add a definition of this term to both subparts U and JJJ, because the definition of this term in § 63.111 is inappropriate for subparts U and JJJ, in that it refers to ''wastewater as defined in § 63.101.'' This is inappropriate for subparts U and JJJ because the EPA is proposing to define wastewater in §§ 63.482 and 63.1312, rather than refer to the definition of that term in § 63.101. Therefore, the EPA is proposing to add the proposed definitions for the term ''wastewater stream'' to subparts U and JJJ and to delete the cross-references to the HON definition of this term in §§ 63.482(a) and 63.1312(a).

2. Changes Unique to Polymers and Resins I

''*Block Polymer*''. The EPA is proposing to add a definition of ''block polymer'' because that term is used in the definition of the term ''resin.''

''*Continuous Front-end Process Vent*''. In addition to the changes mentioned above under ''Changes Common to Polymers and Resins I and IV,'' the EPA is proposing amendments to this definition to correct an error made at promulgation: the scmm and ppmv cutoffs were meant to distinguish between Group 1 and Group 2 continuous front-end process vents, rather than to be a defining characteristic of all continuous front-end process vents. Therefore, the amended definition of this term has only one cutoff, which is that the process vent must contain greater than 0.005 weight percent total organic HAP. The proposed definition is consistent with the HON's definition for ''process vent,'' which it was intended to mirror. In addition, the EPA is proposing to add a sentence to the end of this definition, clarifying where and how organic HAP weight percent is to be determined.

''*Control Device*''. The proposed edits to this definition in subpart U are intended to remove any ambiguity that might have been caused by the promulgated structure of the definition. In other words, the EPA is proposing to remove the phrase ''replaced with'' from the promulgated definition of ''control device,'' and to instead use the phrase ''shall apply'' in the proposed definition.

''*Elastomer Product*'' *and* ''*Elastomer Type*''. The EPA is proposing to edit these definitions to clarify that, under subpart U, there are 13 distinctly different ''elastomer types,'' which are listed in the definition of ''elastomer product.''

''*Elastomer Product Process Unit (EPPU)*''. The EPA is proposing changes to this definition to resolve several concerns, and to make a correction. The last sentence of this definition at promulgation (beginning ''Compounding units * * *'') was an inadvertent carry over from subpart JJJ, and did not belong in this definition. That sentence has been removed from the definition proposed in this notice.

Because the terms ''pipes'' and ''ducts,'' which were used in the promulgated version of this rule were undefined, the EPA has refined the terminology, to use the terms ''hard-piping'' and ''duct work.'' The proposed amendments now cross-reference the definitions of ''hard-piping'' and ''duct work'' in ''63.111 and 63.161, respectively. New language has also been added to clarify that utilities and other non-process lines are not considered to be part of the EPPU.

''*Emulsion Process*'' *and* ''*Suspension Process*''. The EPA is proposing to amend the definitions of ''emulsion process'' and ''suspension process,'' which were nearly identical at promulgation, so that they are distinguishable from one another, and so that they are more precise. The terms ''emulsion'' is central to the distinction between two different elastomer products: styrene butadiene rubber by solution, and styrene butadiene by emulsion. The term ''suspension process'' is important for the purposes of defining ''ethylene propylene rubber.''

''*Epichlorohydrin Elastomer*''. The EPA is proposing to amend this definition to simplify the term ''epoxy resins'' to ''epoxies,'' in order to avoid contradictions between this definition, the definition of ''elastomer,'' and the definition of ''resin.'' As will be explained further below, at promulgation, the definition of ''resin'' stated that a resin is not an elastomer and the definition of ''elastomer'' said that an elastomer is not a resin, but the EPA decided that this circular way of defining those terms was not helpful. So, in addition to proposing to remove the statement in the definition of ''resin'' that indicated that a resin was not an elastomer, the EPA is proposing to replace the term ''epoxy resins'' with the term ''epoxies,'' in order to avoid even greater confusion over the interactions between these definitions.

''*Ethylene-propylene rubber*''. The EPA is proposing to take out the phrase ''moderate amount of the'' (which precedes the phrase ''third polymer''), based on the fact that the phrase ''moderate amount of'' is not quantitatively defined, and therefore offers little useful guidance.

''*Front-end*''. The EPA is proposing to remove a sentence from this definition that caused confusion and was unnecessary. In particular, the idea that the ''front-end'' began specifically at ''raw material storage'' was problematic, in that material could be hard-piped into a process unit without first being ''stored,'' per se.

''*Glass Transition Temperature*''. The EPA is proposing to define this term (which is used in the definition of ''elastomer'') as part of these amendments, because the meaning of this term, which is central to the definition of ''elastomer,'' might not be common knowledge to owners and operators.

''*Grade*''. The proposed changes to this definition are intended to better distinguish between the terms ''product,'' ''recipe,'' and ''grade.'' The proposed definition clarifies that a grade is a ''group of recipes'' used for the production of one elastomer type, but that more than one recipe can also make up one ''grade.''

''*Group 1 Continuous Front-end Process Vent*''. The changes that the

EPA is proposing to make to this definition actually represent a correction, in that this definition was intended to mirror the HON definition for ''Group 1 Process Vent,'' but was inadvertently changed to have more limiting criteria at the promulgation of subpart U. The missing criteria (i.e., flow rate greater than or equal to 0.005 standard cubic meter per minute and total organic HAP concentration greater than or equal to 50 parts per million by volume) have been added to the proposed amendments to this definition.

''Group 2 Continuous Front-end Process Vent''. For similar reasons to those given above, the EPA is also proposing to amend this definition, to include the missing distinguishing criteria (i.e., flow rate less than 0.005 standard cubic meter per minute, total organic HAP concentration less than 50 parts per million by volume, or total resource effectiveness index value greater than 1.0).

''Polybutadiene Rubber by Solution'' and ''Styrene Butadiene Rubber by Solution''. These two definitions are being separated in these proposed amendments in order to clarify that they constitute two different elastomer products.

''Resin''. The proposed changes to the definition of ''resin'' are intended as clarifications, and make no substantive change to this definition.

''Stripper''. The EPA is proposing to add a very basic definition of the term ''stripper'' to subpart U, because this term is used in subpart U and the EPA believes that it would be helpful to define the term.

''Stripping''. The EPA is proposing to define the term ''stripping'' rather than the term ''stripping technology,'' because the term ''stripping'' is used in subpart U. The proposed definition of ''stripping'' is largely based on the promulgated definition of ''stripping technology,'' except that the EPA is proposing to be more specific about which processes are considered to be stripping and which processes are not considered to be stripping.

Finally, the EPA is proposing to remove the following definitions from subpart U with these proposed amendments because these terms are not used in subpart U: ''mass process,'' ''material recovery section,'' ''polymerization reaction section,'' ''raw materials preparation section,'' and ''solid state polymerization unit.''

3. Changes Unique to Polymers and Resins IV

''Continuous Process Vent''. In addition to the changes mentioned above under ''Changes Common to Polymers and Resins I and IV,'' the EPA is proposing to add a sentence to the end of this definition, clarifying where and how organic HAP weight percent is to be determined.

''Emulsion Process''. The EPA is proposing to expand upon this definition, in an attempt at further clarifying the differences between emulsion processes, mass processes, and suspension processes.

''Heat Exchange System''. The EPA is proposing to replace the word ''operated'' with the phrase ''intended to operate'' in this definition, so that if contact occurs between the cooling medium and the process fluid or gases, the cooling system does not automatically cease to be a ''heat exchange system.''

''Material Recovery Section''. There are five changes proposed for this definition. First, the EPA is proposing to remove the phrase ''purification and treatment'' from the definition. The EPA believes that this phrase could be interpreted to include wastewater treatment processes; this was not the intent of the Standards of Performance for VOC Emissions from the Polymer Manufacturing Industry or the promulgated Polymers and Resins IV rule. Because this misinterpretation could occur, the proposed language removes this phrase and replaces it with the terms ''separation'' and ''recovery.'' The EPA judged that the terms ''separation'' and ''recovery'' more accurately describe the physical operations that are taking place.

Second, the EPA believes that the phrase ''off-site purification and treatment'' could be misinterpreted to exclude on-site activities. Based on the background documents for the Standards of Performance for VOC Emissions from the Polymers Manufacturing Industry, which served as the basis for the definition of ''material recovery section'' and the provisions contained in §§ 63.1316 through 63.1320, there is a distinction between on-site and off-site activities in the Standards of Performance for VOC Emissions from the Polymers Manufacturing Industry, and the proposed language is intended to clarify this distinction. The phrase ''separates and recovers * * * for sale or return to the TPPU'' signifies on-site activities and the phrase ''separates * * * for off-site recovery'' signifies off-site activities.

Third, the proposed language is intended to clarify that equipment recovering both ethylene glycol and any other materials is considered to be in the polymerization reaction section, and not in the material recovery section. In response to a comment at proposal, the promulgated rule attempted to make this change but did not do so adequately. Specifically, the proposed language removes the parenthetical phrase ''(e.g., methanol)'' to avoid implying that methanol is the only other material of interest.

Fourth, the entire definition of material recovery section has been revised to clarify that the chemicals involved are restricted to ethylene glycol and methanol for PET affected sources and styrene for polystyrene affected sources. During development of the Standards of Performance for VOC Emissions from the Polymers Manufacturing Industry, ethylene glycol and methanol (for PET) and styrene (for polystyrene) were the only chemicals considered to be involved with the material recovery section. Therefore, other equipment recovering other chemicals are not considered to be part of the material recovery section, under the amended definition proposed with today's action.

Fifth, the proposed language removes the following sentences:

> Equipment that treats recovered materials are to be included in this process section, but equipment that also treats raw materials are not to be included in this process section. The latter equipment are to be included in the raw materials preparation section.

These sentences were removed because the situation described by them does not occur in the production of PET or polystyrene.

''Raw Material Preparation Section''. Slight wording changes have been made to this definition, to clarify the intended meaning of the term ''raw material preparation section.'' At promulgation, this definition stated that the raw material preparation section began with the equipment used to transfer raw materials from storage and ended with the last piece of equipment that prepares the material for polymerization. Under the proposed definition, instead of saying that the raw material preparation section ''begins'' with the equipment used to transfer raw materials from storage, the rule states that the raw materials preparation section ''includes'' the equipment used to transfer raw materials from storage.

''Solid State Polymerization Process''. The EPA is proposing to define ''solid state polymerization process'' instead of ''solid state polymerization unit'' (as was done at promulgation), because the term ''solid state polymerization process'' is used in subpart JJJ (in § 63.1310(d)(5)), while the term ''solid state polymerization unit'' is not.

''Storage Vessel''. In addition to the proposed amendments described above

as common changes to subparts U and JJJ, in subpart JJJ the EPA is also proposing to add ''surge control vessels and bottoms receivers'' to the list of equipment that are not considered to be storage vessels under the definition of ''storage vessel'' in subpart JJJ. This change corresponds to the EPA's proposed change under which surge control vessels and bottoms receivers would be subject to the requirements of subpart H, to be consistent with the approach taken in subpart U, with regard to how it handles surge control vessels and bottoms receivers, but this proposed change will not cause any change in the actual control requirements for surge control vessels and bottoms receivers.

''Thermoplastic Product Process Unit (TPPU)''. The EPA is proposing changes to this definition to resolve several concerns. Because the terms ''pipes'' and ''ducts,'' which were used in the promulgated version of this rule were undefined, the EPA has refined the terminology, to use the terms ''hard-piping'' and ''duct work.'' The proposed amendments now cross-reference the definitions of ''hard-piping'' and ''duct work'' in §§ 63.111 and 63.161, respectively. New language has also been added to clarify that utilities and other non-process lines are not considered to be part of the TPPU.

E. Emission Standards—Proposed Changes to §§ 63.483 and 63.1313

Sections 63.483(b) and 63.1313(b). The text that is proposed to be added at §§ 63.483(b) and 63.1313(b) is based on the amended HON text in § 63.112(e)(3). The proposed revisions to §§ 63.483 and 63.1313 offer guidance to owners and operators on how to handle combined emission streams from any variety of sources. The main difference between the amended HON text at § 63.112(e)(3) and the proposed text for §§ 63.483(b) and 63.1313(b) is that the text proposed in this notice includes specific provisions pertaining to instances in which the combined emission streams include streams from continuous process vents *and* batch process vents, or batch process vents but not continuous process vents.

As noted above, these provisions offer guidance on how to comply for combined streams from different types of emission points. With the exception of combined streams containing batch process vent streams, the options are to comply with the individual requirements for each type of emission stream in the combined stream, or to comply with the most stringent requirement for any stream in the combined stream. The requirements are listed in order of stringency as follows: (1) Group 1 continuous process vent requirements, (2) Group 1 storage vessel requirements, (3) waste management unit control requirements, (4) closed vent system control requirements for in-process equipment, and (5) aggregate batch vent stream requirements.

Due to the unique nature of batch unit operations, this approach is not used for combined streams containing batch process vent streams but no continuous process vent streams. Except when combined with continuous process vent streams, compliance must be demonstrated with the batch process vent requirements in §§ 63.486 through 63.492 and §§ 63.1321 through 63.1327 for the portion of the combined stream from the batch process vent. If a batch process vent stream is combined with a continuous process vent stream, compliance may be achieved by complying with the Group 1 continuous process vent requirements. Because the first ''applicable'' set of requirements listed under proposed §§ 63.483(b)(2) and 63.1313(b)(2) for a combined stream containing both continuous and batch process vent streams is the set of requirements for continuous process vents (in §§ 63.485 and 63.1315), a combined stream containing both types of streams would be subject to the proposed requirements in §§ 63.485(o) and 63.1315(a)(13), which list the requirements for such a combined stream.

Sections 63.483(c) and 63.1313(c). The EPA is proposing to make small edits to these paragraphs, to incorporate terminology changes related to the amended HON wastewater provisions, and to clarify that restrictions related to which emission points may be included in an emissions average are discussed in a different section of the rule (i.e., §§ 63.503(a)(1) and 63.1332(a)(1)).

F. Storage Vessel Provisions—Proposed Changes to §§ 63.484 and 63.1314

1. Changes Common to Polymers and Resins I and IV

Sections 63.484(g), (h), (m), (o), (p), and (q); and 63.1314(a)(5) and (a)(6). The EPA is proposing minor wording changes to these paragraphs to clarify the intent of the paragraphs and for the sake of consistency between subpart U and subpart JJJ.

Sections 63.484(i), 63.1314(a)(7), and Promulgated 63.1314(a)(15). The EPA has realized that promulgated § 63.1314(a)(15) contradicted promulgated § 63.1314(a)(7), and so proposes to remove the paragraph promulgated as § 63.1314(a)(15). In addition, the EPA is proposing to edit §§ 63.484(i) and 63.1314(a)(7) to state that if a performance test is required in or *acceptable* under the continuous process vent requirements, the batch process vent requirements, and/or the wastewater provisions in subpart U or JJJ, that performance test may also be used to show compliance with the storage vessel provisions in § 63.119(e), as required under §§ 63.485 and 63.1315.

Sections 63.484(j) and 63.1314(a)(8). The EPA is proposing changes to this paragraph to clarify the intent of the paragraph and avoid overlap with other requirements in subparts U and JJJ, and in subpart G of the HON.

Sections 63.484(k) and (l) and 63.1314(a)(9) and (10). The EPA is proposing to add these paragraphs to reflect a change to §§ 63.506(e)(5)(ii) and 63.1335(e)(5)(ii), clarifying the differences in recordkeeping and reporting requirements for owners and operators of storage vessels that are required to continuously monitor storage vessel control device parameter levels, and those for owners and operators that are not required to continuously monitor storage vessel control device parameter levels.

Promulgated §§ 63.484(n) and 63.1314(a)(12). The EPA is proposing to remove these paragraphs with these amendments, because they are no longer pertinent, due to the promulgated HON amendments. Neither the Implementation Plan nor § 63.151(c) are mentioned in the amended sections of §§ 63.119 through 63.123.

Sections 63.484(r) and 63.1314(a)(16). The proposed changes to these paragraphs represent a correction and clarification with regard to compliance dates for storage vessels, as they are referred to in the HON (subpart G).

Sections 63.484(s) and 63.1314(a)(17). The EPA is proposing to add these paragraphs because, in their promulgated form, both subpart U and subpart JJJ referred to § 63.11(b) for determining compliance with the flare requirements. However, § 63.11(b) did not actually require a compliance demonstration. To remedy this situation, the EPA is proposing to add a requirement to perform the compliance demonstration for flares to §§ 63.504(c) and 63.1333(e). The proposed paragraphs to be added at §§ 63.484(s) and 63.1314(a)(17) replace the HON reference to § 63.11(b) with a reference to the provisions in §§ 63.504(c) and 63.1333(e).

2. Changes Unique to Polymers and Resins I

Section 63.484(a). The EPA is proposing to amend this paragraph to

make the language parallel with that in § 63.1314(a), to avoid confusion due to unintended differences in the language in subpart JJJ and the language in subpart U, and to update outdated cross-references.

Section 63.484(b)(2). The EPA is proposing to amend this paragraph to clarify that storage vessels containing ''other'' latex products, as the promulgated language stated, was intended to mean latex products other than styrene-butadiene latex.

G. Continuous Process Vent Provisions—Proposed Changes to §§ 63.485 and 63.1315

1. Changes Common to Polymers and Resins I and IV

Sections 63.485(a) and 63.1315(a). The proposed changes to these two paragraphs are intended to make the language in § 63.1315(a) more consistent with the language in § 63.485(a), and to clarify the intended meaning of both paragraphs.

Sections 63.485(k) and 63.1315(a)(9). The EPA is proposing to restructure these two paragraphs to more clearly express the parameter monitoring requirements and reporting requirements associated with continuous process vents.

Sections 63.485(l) and 63.1315(a)(10). The EPA is proposing several changes to these paragraphs. In §§ 63.485(l) and 63.1315(a)(10), changes are being proposed that would make subparts U and JJJ more consistent with the HON requirements for process vents (in §§ 63.113 through 63.118). At promulgation, the EPA had inadvertently neglected to include a provision in subparts U and JJJ that was similar to the provision in § 63.118(k). The proposed addition of paragraphs §§ 63.485(l)(5) and 63.1315(a)(10)(v) makes subparts U and JJJ consistent with the HON by adding paragraphs that are parallel in meaning to § 63.118(k), which exempts owners and operators from the requirement to submit a report of a process change in certain situations (e.g., if the vent stream flow rate is recalculated as being less than 0.005 standard cubic meter per minute). The EPA is also requesting comments on the idea of incorporating a similar paragraph as § 63.1425(f)(7)(v) into subpart PPP, the Polyether Polyols Production NESHAP.

In addition, as is explained more fully in Section R.1 below, the EPA is proposing to remove the concept of submitting compliance schedules throughout subparts U and JJJ. Accordingly, the EPA is proposing to remove the promulgated requirement to submit compliance schedules after process changes to continuous process vents, as discussed in §§ 63.485(l) and 63.1315(a)(10). The proposed amendments to these sections simply require that a description of the process change be submitted within 180 days after the process change is made or with the next Periodic Report, whichever is later.

Sections 63.485(m) and (n); and 63.1315(a)(12) and (15). The EPA is proposing to add these paragraphs to provide new exceptions from the requirement to comply with the provisions in §§ 63.113 through 63.118, due to new references contained in §§ 63.113 through 63.118 (i.e., references to HON organic HAP tables, and references to HON recordkeeping and reporting requirements), which are inappropriate for subparts U and JJJ.

Sections 63.485(o) and (p); and 63.1315(a)(13) and (14). Under §§ 63.485(o) and (p) and 63.1315(a)(13) and (14), the EPA is proposing to amend the requirements that were promulgated as §§ 63.485(m) and (n) and 63.1315(a)(10)(i) and (ii), to better specify what is meant by ''maximum representative operating conditions,'' and to clarify where (in the process) testing should be done. The proposed paragraphs explain that maximum representative operating conditions do not: (1) Include situations that would cause damage to equipment; (2) necessitate that the owner or operator make product that does not meet an existing specification for sale to a customer; or (3) necessitate that the owner or operator make product in excess of demand. The EPA is also proposing to add general performance testing requirements that include these exceptions in §§ 63.504(a) and 63.1333(a), as will be discussed in greater detail in Section O.1. below.

The EPA is also proposing to include regulatory language that specifies the period of operations that must be considered when calculating a TRE index value. The TRE index value must be calculated during periods when one or more batch emission episodes are occurring that result in the highest organic HAP emission rate (in the combined vent stream that is being routed to the recovery device) that is achievable during that 6 month period. For the purposes of determining the batch emission episode that results in the highest HAP emission rate, the owner or operator is limited to considering batch emission episodes that occur during the 6-month period that begins 3 months before and ends 3 months after the owner or operator conducts the TRE index value calculation.

With this proposed rulemaking, the EPA has added specific provisions for combined vent streams, in §§ 63.485(o)(1), (3), (4), and (p) and in 63.1315(a)(13)(i), (iii), (iv), and (a)(14). The proposed amendments in §§ 63.485(o)(1) and 63.1315(a)(13)(i) would allow owners and operators of batch process vents or aggregate batch vent streams that are combined with a Group 1 continuous process vent stream prior to a control device to either comply with the provisions in §§ 63.113 through 63.118 for Group 1 process vents, or comply with the provisions in §§ 63.483(b)(1) and 63.1313(b)(1).

The proposed text that is contained in §§ 63.485(p) and 63.1315(a)(14) pertains to a combined vent stream that is made up of a stream from outside of the affected source and a continuous process vent stream, if the two streams are normally conducted through the same final recovery device.

Sections 63.485(u) and 63.1315(a)(17). The EPA is proposing the addition of these paragraphs, so that it is clear that the proposed performance test requirements for flares (contained in §§ 63.504(c) and 63.1333(e)) apply. The proposed language in §§ 63.504(c) and 63.1333(e) specify the requirements from § 63.11(b) that apply to subpart U and JJJ affected sources. Section O.1. below provides further rationale pertinent to this change.

Promulgated §§ 63.485(s) and 63.1315(a)(14). The EPA is proposing to remove these paragraphs, which are no longer needed, because the same exemptions are allowed under § 63.116(b), as amended at promulgation.

2. Changes Unique to Polymers and Resins I

Section 63.485(a) through (j). The changes that the EPA is proposing to these paragraphs are clarifications and cross-reference updates. For example, in § 63.485(f), the EPA is proposing to add the parenthetical ''(i.e., the proposal date for subpart G of this part),'' after ''December 31, 1992,'' in order to explain the significance and origin of that particular date. The proposed version of § 63.481(f) states that when § 63.113 refers to December 31, 1992, ''June 12, 1995'' (the proposal date of subpart U) will instead apply to subpart U affected sources.

Proposed § 63.485(q). Based on an analysis conducted on the production of elastomers in gas-phased processes, the EPA reached three primary conclusions that impact proposed § 63.485(q). First, the production of *any elastomer product*

produced in a gas-phased reaction process, as opposed to only the production of ethylene propylene rubber, should be exempt from the requirements to control hydrogen halides and halogens from outlet combustion devices. This change is addressed in the proposed amendments to § 63.485(q)(2). Second, the production of elastomer products in a gas-phased reaction process should be treated as a separate subcategory, as there are technical differences impacting HAP emissions and emission control devices between the gas-phased reaction process and other elastomer production processes.

Finally, the EPA determined that the exemption from the requirement to control halogens from the outlet of control devices at gas-phased reaction elastomer production processes represented the MACT floor level of control for new and existing sources (see Docket item no. XX–XX–XX, Docket Number A–92–44, for more information). The EPA also evaluated the more stringent option of requiring the control of halogens from the outlet of control devices, and found that the costs per unit of HAP emission reduction (i.e., cost effectiveness) of this option were higher than generally considered reasonable by the EPA. Therefore, § 63.485(q) has been restructured to incorporate these decisions.

Proposed § 63.485(r) and (t). The EPA is proposing minor wording, cross-reference, and clarifying changes to these paragraphs.

Proposed § 63.485(s)(3) through (s)(6). The EPA is proposing a change to this paragraph that clarifies that the internal combustion engine must be running at all times when organic HAP emissions are being routed to it. The promulgated paragraph described the monitoring requirements when using an internal combustion engine as a control device for a continuous front-end process vent, but did not describe the compliance requirements for that situation.

3. Changes Unique to Polymers and Resins IV

Section 63.1315(e). The EPA is proposing to add this paragraph to implement requirements for acrylonitrile butadiene styrene resin/alpha methyl styrene acrylonitrile resin (ASA/AMSAN) affected sources. These requirements were discussed in the preambles to the proposed and promulgated rules but were inadvertently omitted from the regulatory text. This paragraph requires that owners or operators reduce organic HAP emissions from each continuous process vent, each batch process vent, and each aggregate batch vent stream by 98 weight-percent.

H. PET and Polystyrene Affected Sources—§§ 63.1316 Through 63.1320 (Polymers and Resins IV Only)

The proposed amendments contain four fundamental changes to the provisions for temperature limits for final condensers. First, the proposed amendments change the temperature limit for final condensers from a parameter monitoring type of limit to an emission limit (i.e., violations of the temperature limit are violations of the emission limitation, not violations of a monitoring limit). Second, the proposed amendments remove requirements for an initial performance test and parameter monitoring of the condenser outlet temperature and require continuous compliance with the daily average temperature for the condenser outlet. Third, the 6°C (10°F) window that allowed the average temperature to be 6°C (10°F) warmer than the specified emission limit has been removed. Fourth, the averaging period has been changed from a 3-hour period to a 24-hour period. The paragraphs below describe these and other changes (and the EPA's rationale for those changes) to the provisions contained in §§ 63.1316 through 63.1320.

Section 63.1316(a). Poly(ethylene terephthalate) resin (PET) and polystyrene affected sources are considered to be either batch or continuous processes. An affected source is defined as batch or continuous based on the mode of the reactors. That is, if the reactor is operated in a batch mode, then the entire process is classified as a batch process, even if there are continuous unit operations elsewhere within the process unit. The proposed language in § 63.1316(a) is intended to clarify two points. First, §§ 63.1316 through 63.1320 are only applicable to process vents at affected sources producing PET and polystyrene in continuous processes (i.e., a process where the reactors are operated in a continuous mode). Second, the proposed revision clarifies that affected sources producing either PET or polystyrene using a batch process (i.e., a process where the reactors are operated in a batch mode) are to comply with the provisions in § 63.1315 for process vents from continuous unit operations within the process and the provisions in §§ 63.1321 through 63.1327 for process vents from batch unit operations within the process.

As part of these changes, the phrase ''continuous process'' has been removed from the titles for §§ 63.1316 through 63.1320. The EPA judged that inclusion of this phrase could mislead readers to believe that there was a corresponding set of provisions that addressed PET and polystyrene affected sources using a batch process. The changes discussed above indicate that affected sources using a continuous process and those using a batch process are addressed by these provisions (i.e., §§ 63.1316 through 63.1320).

Section 63.1316(b) and (c). The proposed language in these paragraphs is intended to clarify that compliance with 40 CFR, subpart DDD, is not a violation, but that compliance with subpart JJJ is required. Another clarifying change that the EPA is proposing is to replace the phrase ''each owner or operator'' with the phrase ''the owner or operator,'' (or an equivalent phrase) to eliminate the possible misinterpretation that more than one owner or operator at a single affected source would have to illustrate compliance with the requirements of subpart JJJ. A similar change is being proposed in various places throughout both subparts U and JJJ.

Section 63.1316(b)(1)(i). This paragraph was reorganized and rewritten to clarify the intended meaning. In addition, a reference to § 63.1318(b) was added to improve the clarity of this paragraph.

Section 63.1316(b)(1)(i)(A), (b)(1)(ii), (b)(2)(i), (b)(2)(ii), and (c)(1)(i). The proposed language in these paragraphs is intended to clarify that an owner or operator may either meet the specified emission limit for each individual process section (e.g., material recovery section or polymerization reaction section) independently or may meet the specified emission limit for the collection of that type of process section (e.g., material recovery section or polymerization reaction section) within the affected source (as a group).

Section 63.1316(b)(1)(i)(B) and (c)(1)(ii). The proposed language in these paragraphs specifies that the averaging period for the temperature limit is a 24-hour period. The promulgated paragraph was not specific, but a 3-hour averaging period was implied. The EPA has determined that a 3-hour averaging period is inconsistent with other provisions of the rule which require compliance on a daily average basis. The EPA has judged that adding to the consistency of the provisions by having 24-hour averaging periods throughout the rule will benefit both the Agency and the regulated community. The EPA believes that little loss in stringency will result from changing from a 3-hour averaging period to a daily (i.e., 24 hour) average.

The EPA is also proposing to add a citation to § 63.1318(d), in order to clarify that the daily average shall be maintained according to the provisions of § 63.1318(d). The proposed provisions in § 63.1318(d) reference other proposed provisions in subpart JJJ that specify how the daily average is to be determined, and that clarify that values recorded during periods of start-up, shutdown, and malfunction are not to be included in the determination of the daily average.

Section 63.1316(b)(1)(iii), (b)(1)(iv), (b)(2)(iii), (b)(2)(iv), (c)(1), and (c)(3). These paragraphs were reorganized and rewritten to clarify the intended meaning.

Section 63.1316(c)(1)(iii)(A). The EPA is proposing to amend the language in § 63.1316(c)(1)(iii)(A), which, as promulgated, provides owners and operators of polystyrene affected sources with the option of reducing emissions from continuous process vents in the collection of material recovery sections by 98 weight percent or to an outlet concentration of 20 parts per million by volume. The proposed amendment clarifies that the use of a combustion device (including, but not limited to, thermal incinerators, catalytic incinerators, boilers, or process heaters) is required when choosing this compliance option. The regulation as promulgated already provided an owner or operator with the flexibility to use any type of efficient recovery device to comply with § 63.1316(c)(1)(i). Unless the proposed clarifying amendment to § 63.1316(c)(1)(iii)(A) is made to specify that the 98 percent/20 ppmv option must be met using combustion devices only, this option could inappropriately be used to demonstrate compliance through the use of relatively inefficient recovery devices, since the inlet location for performance testing is not specified.

Section 63.1317. The proposed language in this section changes the requirements for monitoring the condenser exit temperature from a 3-hour averaging period to a daily (i.e., 24-hour average). This change is accomplished by removing promulgated paragraph (b). This section, as proposed, references the monitoring provisions for continuous process vents which are being proposed to specify that monitoring averages are based on a 24-hour averaging period.

Section 63.1317, 63.1318(a), 63.1319(a), and 63.1320(a). The proposed language in these paragraphs is intended to clarify that the references to group determinations and TRE determinations do not apply to owners and operators under these paragraphs.

Section 63.1318(b)(1)(i). The proposed language in this paragraph is intended to clarify that the location of the sampling point to be used for determining the mass emission rate is after the last recovery or control device.

Section 63.1318(d). The proposed language in this section changes the requirements for demonstrating compliance with the temperature limits for final condensers. The promulgated rule required a performance test to demonstrate initial compliance and required monitoring of the condenser outlet temperature using a 3-hour averaging period. An exceedance of the temperature limit was considered to be an exceedance of the monitoring provisions (similar to having a daily average that was above the maximum or below the minimum level for parameter monitoring). The promulgated rule also provided a 6°C (10°F) window that allowed the 3-hour average to be 6°C (10°F) warmer than the specified emission limit. The EPA is proposing to eliminate these three concepts with these amendments, for the reasons explained below.

The provisions in §§ 63.1316 through 63.1320 are based on the provisions from the Standards of Performance for VOC Emissions from the Polymers Manufacturing Industry (40 CFR part 60, subpart DDD). At initial proposal and promulgation of subpart JJJ of this part, the EPA made an error in incorporating the Standards of Performance for VOC Emissions from the Polymers Manufacturing Industry, and the proposed changes in these amendments are meant to correct that error. The Standards of Performance for VOC Emissions from the Polymers Manufacturing Industry specify that the condenser temperature limit is an emission limitation, in that a 3-hour average temperature greater than the specified temperature limit is a violation of the emission limit. In the promulgated rule, the EPA mistakenly required monitoring (in § 63.1318(d)(1)) that more closely paralleled the parameter monitoring required in § 63.1334 than it paralleled the Standards of Performance for VOC Emissions from the Polymers Manufacturing Industry. The Standards of Performance for VOC Emissions from the Polymers Manufacturing Industry do not require a performance test or establishment of a monitoring level because the condenser temperature limit is an emission limit. The Standards of Performance for VOC Emissions from the Polymers Manufacturing Industry also do not allow for the 6°C (10° F) temperature window that subpart JJJ allowed (by allowing the 3-hour average to be 6°C (10°F) warmer than the specified emission limitation). A temperature window is included in the Standards of Performance for VOC Emissions from the Polymers Manufacturing Industry, but it applies only when an owner or operator is using a condenser as a control device to meet a percent reduction requirement. Because the Standards of Performance for VOC Emissions from the Polymers Manufacturing Industry level of control was found to be the MACT floor, the changes described above make the provisions in §§ 63.1316 through 63.1320 consistent with the MACT floor.

Finally, the EPA is also proposing to change the continuous compliance demonstration averaging period from a 3-hour period to a 24-hour period in § 63.1318(d). As previously discussed in this preamble, the EPA is proposing this change to be consistent with other provisions of the rule which require compliance on a daily average basis.

Section 63.1319(b). The proposed changes to § 63.1319(b) are intended to clarify that this paragraph applies only to owners or operators complying with § 63.1316(b)(1)(i) (i.e., demonstrating that emissions are less than 0.12 kilogram of organic HAP per megagram of product at existing affected sources producing PET using a continuous dimethyl terephthalate process). The EPA is also proposing to remove § 63.1319(b)(2) of § 63.1319 and to renumber § 63.1319(b)(2)(ii) as § 63.1319(b)(2) as part of this change.

The proposed language in this paragraph also removes the requirement to record a list of each process variable change that may result in an increase in the mass emissions per mass product. The EPA believes that such a requirement is burdensome and unnecessary for subpart JJJ because, if changes are made that would increase mass emissions per mass product, those changes would qualify as process changes, and process changes are addressed in other sections of the rule (see 63.1310(i)(4)). Another proposed change to § 63.1319(b) is that the qualifying phrase ''up-to-date and readily accessible'' has been removed from the requirement to keep records. This qualifying phrase was redundant with the requirements of § 63.1335(d).

Section 63.1319(c). The proposed changes in § 63.1319(c) correspond to the proposed changes in § 63.1318(d) (described above). The proposed changes state that, instead of keeping records of monitoring data for each 3-hour averaging period (promulgated paragraph (c)(1)) and records of the initial performance test (promulgated

paragraph (c)(2)), the owner or operator shall keep records of the daily averages demonstrating continuous compliance.

Section 63.1320(b). The EPA is proposing to insert a parenthetical phrase, to improve the clarity of this paragraph.

Section 63.1320(b)(1) and (2). The proposed language in these paragraphs has been changed to reflect the changes made to § 63.1319(b).

Section 63.1320(b)(3). The proposed change to § 63.1320(b)(3) removes the requirement to submit a schedule for compliance, for the reasons laid out in section R.1 of this preamble.

Section 63.1320(c). The promulgated paragraph contained reporting requirements for affected sources complying with the temperature limit for final condensers based on the promulgated requirements for a performance test and parameter monitoring. The requirements of this paragraph are no longer applicable, and the EPA is proposing to ''reserve'' this paragraph.

I. Batch Process Vents—Proposed Changes to §§ 3.486 Through 63.492 and 63.1321 through 63.1327

1. Changes Common to Polymers and Resins I and IV

The proposed amendments contain changes to two fundamental parts of the batch process vent provisions: (1) the group determination procedures and (2) the batch cycle limitation. A brief outline of and rationale for the proposed amendments to the batch process vent provisions is provided below. In addition, the EPA is requesting comments, with this notice, on the EPA's intention of including similar revisions to rules modeled after the Polymers and Resins rules and/or rules that refer to the batch process vent provisions in the Polymers and Resins rules (e.g., the National Emission Standards for Hazardous Air Pollutants for Polyether Polyols Production, part 63, subpart PPP).

Batch Process Vent Group Determination. According to the proposed amendments, for each batch process vent the owner or operator must determine group status based on either (1) the expected mix of ''products'' (using the highest-HAP recipe for each product, including non-elastomer and non-thermoplastic products), or (2) annualized production of the single ''highest-HAP recipe'' considering all recipes for all products (including non-elastomer and non-thermoplastic products). The primary changes from the promulgated rules are that the proposed amendments clarify that all products (e.g., non-elastomer and non-thermoplastic products in addition to elastomer and thermoplastic products) are to be considered when the owner or operator is using either the expected mix of products or the single highest-HAP recipe option, and that the concept of ''worst-case HAP emitting product'' has been replaced with the concept of the ''highest-HAP recipe'' for a particular product or amongst a group of products.

If the expected mix option is selected for the batch process vent group determination, the emissions used for the group determination must be emissions when producing the highest-HAP recipe for each product in the expected mix of products produced by the affected source. If the single highest-HAP recipe option is selected for the batch process vent group determination, the determination is based on emissions from the annualized production of the highest-HAP recipe considering all products.

Important definitions to be added to clarify these requirements include the definitions for ''highest-HAP recipe'' and ''recipe''. ''Recipe'' is defined as a specific composition, from among the range of possible compositions that might occur within a product, and is determined by the proportions of monomers and, if present, other reactants and additives that are used to make the recipe. ''Highest-HAP recipe'' is the recipe with the highest total mass of HAP charged to the reactor. The EPA believes that determining the ''highest-HAP recipe'' is less difficult and burdensome than determining ''worst-case HAP emitting product,'' as was required at promulgation of subparts U and JJJ.

The concept of recipe has been added to distinguish between a ''recipe'' and the intended meaning of the term ''product.'' After the promulgation of subparts U and JJJ, some industry representatives interpreted the term ''product'' to mean the multiple variations of a given type of elastomer or thermoplastic. For example, a company may produce as many as 100 variations of styrene butadiene latex, where the variations could occur due to relatively minor changes (i.e., the type or amount of catalysts or additives, the ratio of monomers, etc). Some owners and operators interpreted the promulgated rules to mean that each of the 100 variations would be a different product. However, in the promulgated rule, it was the EPA's intent that owners and operators consider each of these 100 variations of styrene butadiene latex to be the same ''product.'' A revised definition of ''product'' has been included in today's proposal, in order to avoid any further confusion. The addition of the concept of ''recipe'' should further clarify the intent of the rule, and address the disconnect between the intended meaning of the term ''product'' and industry's interpretation of the term.

The EPA has determined that the promulgated process of first estimating emissions for all products produced in a unit operation, and then basing the group determination on the ''worst-case HAP emitting product'' at each individual emission point was unnecessarily burdensome. The EPA has concluded that, for a given product, the amount of HAP emitted is closely related to the amount of HAP charged to the reactor. Therefore, the EPA believes that the amount of HAP charged to the reactor is an acceptable surrogate for HAP emissions when selecting the recipe to use when performing the batch process vent group determination procedures. For batch process vents other than those at the reactor, the same recipe that was determined to be the ''highest-HAP'' recipe at the reactor is to be used when performing the group determination.

Requiring the use of the highest-HAP recipe when estimating emissions for the purposes of the group determination (instead of the ''worst-case HAP emitting product'') simplifies the group determination procedures, because an owner or operator is not required to make repetitive emission estimates to determine which product type to use when performing the group determination procedures. Instead, the revised procedures allow selection of the appropriate recipe for the purposes of the group determination based on the mass of HAP charged to the reactor, which is an objective characteristic of the recipe that is known by the owner or operator. Once the highest-HAP recipe is determined, the annual emissions for that recipe alone need to be determined and used in the batch process vent group determination procedures.

Batch Mass Input Limitation (formerly ''Batch Cycle Limitation''). The first major change that the EPA is proposing to the batch cycle limitation concept is that the units have changed from ''number of batches'' to ''mass input.'' The limitation for Group 2 batch process vents is no longer based on the number of batch ''cycles'' for the batch unit operation, but is now based on the total mass of HAP charged to the reactor or the total mass of material charged to other batch unit operations. Therefore, the name batch ''cycle'' limitation is no longer accurate. The EPA is proposing

to change the name of this limitation to ''batch mass input limitation.''

The purpose of the promulgated ''batch cycle limitation'' was to ensure that either the Group 2 batch process vent would not have annual emissions greater than 11,800 kg/yr, or that the Group 2 batch process vent would not have an annual average batch vent flow rate that exceeded its cutoff flow rate. In other words, the promulgated ''batch cycle limitation'' was intended to monitor an easily determined parameter (i.e., the number of batch cycles run) to verify that the vent did not become Group 1.

While the proposed change does not affect the purpose of the limitation (to verify that the vent does not become Group 1), it does change the basis of the limitation to a parameter that is more directly related to HAP emissions. The proposed change allows a certain amount of flexibility to owners or operators, so that they may implement manufacturing changes that may affect the number of batch cycles without affecting HAP emissions. Under the proposed amendments, larger batches or a larger number of batches may be used to produce an increased amount of product, as long as the total mass of HAP input to the reactor (or total mass of material input to other batch unit operations) does not increase beyond the established limitation. This not only allows owners and operators more operating flexibility, but produces an incentive to develop more efficient production methods.

Under the proposed amendments, the facility must determine the batch mass input limitation for each vent based on either (1) the expected mix of products (using the highest-HAP recipe for each product, and including non-elastomer products and non-thermoplastic products), or (2) annualized production of the single highest-HAP recipe considering all recipes for all products. The approach used to determine the batch mass input limitation must be the same one used in the group determination (described above), since the batch mass input limitation is intended to be a gauge for possible group changes. The emissions used when determining the batch mass input limitation for each Group 2 batch process vent must be calculated using the highest-HAP recipe for each product, if the expected mix of products option is selected, or the highest-HAP recipe considering all the recipes for all of the products, if the annualized production of the single highest-HAP recipe option is selected. The owner or operator must report the batch mass input limitation, keep records of the calculations, monitor the mass of HAP or material fed to the batch unit operation, and report the total mass of material fed to the batch unit operation each year.

There is one exemption from the proposed batch mass input limitation provisions: if the vent is Group 2 at the maximum design capacity of the process unit, then the owner or operator is exempt from the requirement to calculate a batch mass input limitation for that batch process vent (see §§ 63.487(h) and 63.1322(h)). The EPA is requesting comments on whether or not the ''maximum design capacity'' of a batch process vent is a readily definable parameter for these industries.

As opposed to the preceding explanations of proposed conceptual changes in the batch process vent requirements, the paragraphs below discuss changes to individual paragraphs or sets of paragraphs.

Sections 63.487(a)(1)(i) & (b)(1)(i), 63.1322(a)(1)(i) & (b)(1)(i), 63.491(b)(3)(ii), and 63.1326(b)(3)(ii). Flare requirements have been added to §§ 63.504(c) and 63.1333(e), to make it clear that a compliance demonstration for flares must be conducted using the provisions found in § 63.11(b), as will be explained further in Section O.1. of this preamble. Therefore, the EPA is proposing to change the reference in §§ 63.487(a)(1)(i) and (b)(1)(i) and 63.1322(a)(1)(i) and (b)(1)(i), and in §§ 63.491(b)(3)(ii) and 63.1326(b)(3)(ii) to refer owners and operators to the proposed paragraphs in §§ 63.504(c) and 63.1333(e).

Sections 63.487(b)(2) and 63.1322(b)(2). The EPA is proposing to add an alternative performance standard limit of 20 parts per million by volume (ppmv) for noncombustion control devices used to comply with the aggregate batch vent stream provisions in subparts U and JJJ. This option would be in addition to the present performance standard of 90 weight percent organic HAP reduction for each aggregate batch vent stream on a continuous basis. The addition of this lower bound concentration to the performance standard (§§ 63.487(b)(2) and 63.1322(b)(2)) will encourage the use of recovery devices, will allow for reuse of materials, and will remove an inequity between requirements for different types of control equipment. The EPA believes that dilution should not be a concern under the proposed amendments, because under most conditions there would not be significant amounts of dilution air in the aggregate batch vent stream, and that any attempts to circumvent the requirement through dilution could be easily detected. The EPA is proposing this change to the rule to provide a lower bound concentration level for use in cost effective design of control devices.

Sections 63.487(c)(1) and 63.1322(c)(1). The EPA is proposing to change the requirement to reduce ''overall emissions of hydrogen halides and halogens by 99 percent,'' to a requirement to reduce ''overall emissions of hydrogen halides and halogens by *at least* 99 percent,'' (emphasis added). There was some concern that the promulgated language could be misunderstood to mean that emission reductions greater than 99 percent would not be acceptable, and the proposed clarification is intended to eliminate such an interpretation of subparts U and JJJ. In addition, the EPA is proposing to replace the term ''control device'' when discussing the reduction of halogen emissions with the more precise term ''halogen reduction device,'' as appropriate, throughout subparts U and JJJ.

Sections 63.487(e) and 63.1322(e). The EPA is proposing to modify the structure of §§ 63.487(e) and 63.1322(e) to clarify the requirements when a batch process vent or aggregate batch vent stream is combined with a continuous process vent. The basic intent of these provisions has not changed from the promulgated rule, but the EPA believes that the proposed changes clarify this intent, which is briefly summarized below. If a batch process vent/aggregate batch vent stream is combined with a Group 1 continuous process vent prior to being routed to a combustion device, the combined vent stream is required to comply with the requirements for a Group 1 continuous vent. There are special conditions specified in §§ 63.485(o) and 63.1325(a)(13) for when performance tests are to be performed in this situation. If a batch process vent/aggregate batch vent stream is combined with a continuous process vent prior to being routed to a recovery device (i.e., before the group determination of the continuous process vent has been made), §§ 63.487(e)(1)(i) and 63.1322(e)(1)(iii) refer the owner or operator to §§ 63.485(o)(2) or 63.1325(a)(13)(ii), which specify how group determinations are conducted in this situation.

Finally, §§ 63.487(e)(2) and 63.1322(e)(2) specify the requirements when a batch process vent/aggregate batch vent stream is combined with a Group 2 continuous process vent. In this situation, the owner or operator is required to determine the group status of the batch process vent/aggregate batch vent stream prior to the

combination with the continuous vent and comply with the aggregate batch vent stream provisions in subparts U and JJJ, in accordance with the proposed paragraph at §§ 63.487(e)(2) and 63.1322(e)(2).

Sections 63.487(f) and (g) and 63.1322(f) and (g). These paragraphs reflect changes related to the batch mass input limitation discussed earlier in this section. The EPA is also proposing to add a provision which allows the owner or operator of a Group 2 batch process vent that is subject to §§ 63.487(f) and (g) or 63.1322(f) and (g) to comply with the requirements for Group 1 batch process vents, instead of establishing a batch mass input limitation.

Sections 63.487(h) and 63.1322(h). The EPA is proposing to add these provisions, which would exempt owners and operators of Group 2 batch process vents from the requirement to establish a batch mass input limitation if the emissions for the single highest-HAP recipe were used in the group determination, and, during the group determination, the owner or operator used the assumption that the batch unit operation would be operating at maximum design capacity of the EPPU for 12 months (and the results of the group determination were that the batch process vent was Group 2).

Sections 63.488(a)(1) and 63.1323(a)(1). The EPA is proposing to revise these paragraphs to reflect changes related to the group determination procedures (specifically, replacement of the worst-case HAP-emitting product with the highest-HAP recipe concept, discussed earlier in this section). In addition, the EPA is proposing several small clarifying changes.

Sections 63.488(b) and 63.1323(b). The EPA is proposing to amend and restructure this paragraph, to clarify (1) how to estimate emissions, (2) when it is appropriate to use the emission estimation equations, and (3) when it is acceptable to use other methods of estimating emissions. The EPA is also proposing text that clarifies that all standard reference will be permissible for obtaining individual component vapor pressure and molecular weights. Finally, the EPA is proposing to move regulatory language from promulgated §§ 63.488(b) and 63.1323(b) to proposed §§ 63.488(b)(9) and 63.1323(b)(9), respectively. The regulatory language that the EPA is proposing to move clarifies when it is appropriate to use Henry's Law or Raoult's Law to determine partial pressure, and is a distinct topic, best set off from the remainder of the main paragraph (b).

Sections 63.488(b)(1) through (b)(5), and 63.1323(b)(1) through (b)(5). The EPA is proposing a variety of clarifying language changes and cross-referencing corrections in these paragraphs.

Sections 63.488(b)(6) and 63.1323(b)(6). The provisions proposed under §§ 63.488(b)(6) and 63.1323(b)(6) clarify when it is acceptable for the owner or operator to use engineering assessment to estimate emissions from a batch emissions episode. At promulgation, §§ 63.488(b)(6)(ii) and 63.1323(b)(6)(ii) specified only that the emissions estimation equations would be considered inappropriate (thus allowing engineering assessment) if previous test data were available that showed a greater than 20 percent discrepancy between the test value and the estimated value, or if the owner or operator could demonstrate to the Administrator that the emissions estimations equations were inappropriate through ''any other means.'' The EPA believes that clearer guidance is warranted; therefore, the new paragraphs proposed as §§ 63.488(b)(6)(i)(A) through (C) and 63.1323(b)(6)(i)(A) through (C) provide clearer guidelines for determining when engineering assessment may be used in the place of the emissions estimation equations to estimate emissions from a batch emissions episode. For instance, under these proposed amendments, the owner or operator may use engineering assessment to estimate emissions from a batch emission episode if previous test data show more than a 20 percent discrepancy between the test value and the value estimated through use of the equations in §§ 63.488(b)(1) through (b)(4) or 63.1323(b)(1) through (b)(4). In addition, the text specifying the related reporting requirements was clarified.

Sections 63.488(d) and 63.1323(d). The EPA is proposing to clarify that the annual emissions being considered under these paragraphs are the annual emissions of total organic chemical (TOC) or organic HAP, and to clarify where and how annual emissions are determined (by cross-referencing the paragraphs that specify the correct procedures for determining annual emissions).

Sections 63.488(e), (g), and (h), and 63.1323(e), (g), and (h). As described in more detail above in the ''Definitions'' section, the EPA is proposing to replace the promulgated terms ''average flow rate'' and ''annual average flow rate'' with the terms ''average batch vent flow rate'' and ''annual average batch vent flow rate,'' throughout subparts U and JJJ, and is proposing definitions for these new terms. The new terms are used throughout §§ 63.488(e), (g), and (h), and 63.1323(e), (g), and (h), as well as in other appropriate places in the batch process vent provisions. Similarly, as described above, the EPA is proposing to define ''annual average concentration'' and ''annual average batch vent concentration'' separately in these amendments, and the new terminology is reflected in the proposed changes to §§ 63.488(e), (g), and (h), and 63.1323(e), (g), and (h).

Sections 63.488(i) and 63.1323(i). The EPA is proposing to add text to §§ 63.488(i)(1) and 63.1323(i)(1) that will help the owner or operator in distinguishing between events that are considered ''process changes'' and those that are not. The EPA is also proposing to add text that would clarify what is required once an owner or operator has determined that a process change has, or has not, occurred (e.g., redetermining the batch mass input limitation, and reporting the new batch mass input limitation, if appropriate). A provision stating that (for Group 2 batch process vents) changes that would reduce the batch mass input limitation are considered to be process changes, is also proposed to be added to §§ 63.488(i) and 63.1323(i). In addition, the EPA is proposing to add a provision in §§ 63.483(i)(1)(i) and 63.1313(i)(1)(i), stating that only changes that *increase* (as opposed to decrease) production capacity or production rate will be considered to be process changes. The proposed paragraphs §§ 63.488(i)(1)(ii) and (iii) and 63.1323(i)(1)(ii) and (iii) provide more specific examples of what would be considered to be a process change at a batch process vent, under these proposed amendments.

As mentioned above and explained more fully in Section R.1, the EPA is proposing to remove the concept of submitting compliance schedules throughout subparts U and JJJ. Accordingly, the EPA is proposing to remove the promulgated requirement to submit compliance schedules after process changes have been made to batch process vents, as discussed in §§ 63.488(i)(3)(i) and (ii), 63.1323(i)(3)(i) and (ii), and 63.492(b) and 63.1323(b).

Sections 63.489 and 63.1324. For the sake of clarity, the EPA is proposing to change the title of this section from ''Batch (front-end) process vents—monitoring requirements'' to ''Batch (front-end) process vents—monitoring equipment''. The section does not uniquely specify monitoring ''requirements'' so much as it discusses the requirements for different types of monitoring equipment.

Sections 63.489(a) and 63.1324(a). The proposed amendments to §§ 63.489(a) and 63.1324(a) incorporate

changes that originated in the HON amendments (§ 63.114(a)), and which are intended to clarify how monitoring equipment are to be operated if ''manufacturer's specifications'' do not exist or are not available. The proposed edits to §§ 63.489(a)(2) and 63.1324(a)(2) represent a clarification, specifying that it is the *daily average* of the monitored parameters that must remain above or below (as appropriate) the parameter monitoring level. The proposed changes also clarify that where exceptions (such as excused excursions) apply, the owner or operator is not in violation of the standard.

Sections 63.489(b) and 63.1324(c). The subheading of this paragraph contains a proposed change that would clarify that this paragraph addresses monitoring *equipment* for which parameters must be established, rather than providing specific monitoring parameters. The EPA is also proposing to replace the term ''flow meter'' with the more precise term ''flow measurement device,'' in §§ 63.489(b)(4)(ii) and 63.1324(c)(4)(ii) and in other places throughout subparts U and JJJ. The EPA is also proposing to add procedures for determining gas stream flow which parallel the amended HON text (§ 63.114(a)(4)(ii)(A) through (C)), in §§ 63.489(b)(4)(ii)(A) through (C) and 63.1324(c)(4)(ii)(A) through (C).

The proposed addition of §§ 63.489(b)(4)(ii)(A) through (C) and 63.1324(c)(4)(ii)(A) through (C) would constitute a correction to the requirements for continuous monitoring of gas flow entering an acid gas scrubber. In the promulgated rules, when a scrubber was used after a combustion device for halogenated streams, the owner or operator was required to use a flow meter with a continuous recorder at the scrubber inlet to measure gas flow. The EPA later received information that demonstrated that continuous monitoring of this acid gas stream would be impractical, due to the harsh conditions at the scrubber inlet. A continuous monitoring device would be expected to have a very short service life due to the combination of high temperature and corrosivity/low pH. Thus, it would be extremely costly for owners and operators to comply with the promulgated requirement for continuous monitoring of gas stream flow.

Therefore, the EPA is proposing to allow three different options for determining gas flow. Each of these options would provide sufficient data to determine a liquid/gas (L/G) ratio for use in monitoring operation of the acid gas scrubber.

The first option being proposed would allow owners or operators to determine gas flow to the scrubber by using the design blower capacity, with appropriate adjustments for pressure drop. This would provide a ''worst case'' gas flow. If the required compliance demonstration showed that a scrubber could meet the emission reduction requirements for hydrogen halides and halogens during these worst case flow conditions, the EPA anticipates that compliance would also be achieved during conditions of lower gas flow.

In the second proposed option, the EPA recognizes that some post-combustion scrubbers, regulated under RCRA requirements, are already required to determine an L/G ratio to demonstrate compliance with emission reduction requirements. The EPA is proposing that methods of determining gas flow which have been utilized to comply with pre-existing RCRA regulations should also be acceptable for the purposes of subparts U and JJJ. This proposed option also provides that a determination made before the compliance date for this rule may be used in the compliance demonstration if it is still representative.

Finally, the EPA is proposing that owners or operators may develop a gas flow determination plan. The plan would specify a reliable method for determining the gas stream flow, to provide a representative or at least a worst-case flow rate during representative operating conditions. Recordkeeping requirements would apply to these proposed provisions. The EPA believes that this performance-oriented option is necessary due to the wide variety of technologies and process configurations in existence. For example, owners and operators may utilize multiple scrubbers in series at a combustion unit, which may require a different approach to determining the gas flow than when a single scrubber is used.

Sections 63.489(b)(7) and 63.1324(c)(7). The EPA is also proposing to give the owner or operator a better idea of which parameters it is acceptable to monitor for a carbon adsorber, by replacing the term ''stream flow'' with the more precise phrase ''steam flow or nitrogen flow, or pressure (gauge or absolute),'' in §§ 63.489(b)(7) and 63.1324(c)(7) and in other places throughout subparts U and JJJ, as appropriate.

Sections 63.489(c) and 63.1324(d). The EPA is proposing to add a cross-reference to §§ 63.492(e) and 63.1327(f) (the reporting requirements for batch process vents) in addition to the references to §§ 63.506(f) and 63.1335(f) (the general recordkeeping requirements), in situations where the owner or operator is requesting to monitor alternative parameters.

Sections 63.489(d) and 63.1324(e). The EPA is proposing to remove the promulgated paragraph §§ 63.489(d)(3) and 63.1324(e)(3), because §§ 63.489(d)(1) and (d)(2) and 63.1324(e)(1) and (e)(2) provide sufficient specifications for monitoring requirements associated with bypass lines. By continuously monitoring a parameter (as discussed in §§ 63.489(d)(3) or 63.1324(e)(3)), an owner or operator is plainly taking a reading ''at least once every 15 minutes,'' which is the option given under §§ 63.489(d)(1) and 63.1324(e)(1). In addition, the EPA is proposing to change the phrase ''bypass line valve'' to ''bypass line damper or valve,'' to incorporate the concept that either a damper or valve could function as the by-pass mechanism.

Sections 63.489(e)(1), 63.1324(f)(1), 63.490(b)(3), and 63.1325(b)(3). The EPA is proposing to make a change to these paragraphs that is parallel to the change made in the amended HON (§ 63.114(e)), allowing data obtained from prior performance tests to be used, provided that the prior performance test was conducted for determining compliance with a regulation promulgated by the EPA. Further proposed requirements include the specification that the test had to have been conducted using the same Methods specified in these rules and that either no deliberate process changes have been made since the test, or the owner or operator can demonstrate that the results of the performance test reliably demonstrate compliance despite process changes.

Sections 63.489(e)(1)(ii) and 63.1324(f)(1)(ii): The EPA is proposing to amend this paragraph to clarify that the ''control efficiency requirement'' is an emission reduction of 90 percent by explicitly stating the emission reduction requirement.

Sections 63.490(a) and 63.1325(a). The EPA is proposing to refer to the flare requirements that the EPA has proposed to add at §§ 63.504(c) and 63.1333(e), to make it clear that a compliance demonstration for flares must be conducted using the provisions found in § 63.11(b), as will be explained further in Section O.1. of this preamble.

Sections 63.490(b)(3) and 63.1325(b)(3). As discussed below under ''*Sections 63.490(b)(6) and 63.1325(b)(6),*'' the proposed changes to §§ 63.490(b)(3) and 63.1325(b)(3) make these paragraphs more general, so that

they cover the situations that, at promulgation, it took two paragraphs ((b)(3) and (b)(6)) to cover. The proposed changes to §§ 63.490(b)(3) and 63.1325(b)(3) allow an owner or operator to not do a performance test for a control device for which a prior performance test was conducted for the purpose of determining compliance with another regulation promulgated by the EPA, as long as the Methods used for that performance test are the same as those required in §§ 63.490 and 63.1325, and no significant process changes have been made since the prior performance test was conducted.

Sections 63.490(b)(5) and 63.1325(b)(5). The EPA is proposing changes to these paragraphs that would clarify the original intent of the paragraph (which was that an owner or operator would be exempt from conducting a performance test on an incinerator that was in compliance with 40 CFR part 264, subpart O). In addition, the proposed changes to these paragraphs specify that owners and operators of interim-status hazardous waste incinerators are also exempt from the requirement to conduct a performance test for those incinerators.

Sections 63.490(b)(6) and 63.1325(b)(6) (promulgated). The EPA is proposing to remove §§ 63.490(b)(6) and 63.1325(b)(6), because the proposed amendments to §§ 63.490(b)(3) and 63.1325(b)(3) make the promulgated §§ 63.490(b)(6) and 63.1325(b)(6) unnecessary. Both of the promulgated paragraphs (i.e., (b)(3) and (b)(6)) discussed when results from a previously conducted performance test could be used in lieu of conducting a new performance test. At promulgation, paragraphs §§ 63.490(b)(3) and 63.1325(b)(3) were specific to tests conducted for compliance with a New Source Performance Standard, and paragraphs §§ 63.490(b)(6) and 63.1325(b)(6) addressed tests conducted for compliance with ''other subparts in 40 CFR part 60 or part 63.'' Both ideas are now expressed in §§ 63.490(b)(3) and 63.1325(b)(3), as described above. As a result of this proposed change, the EPA is also proposing to remove the text from § 63.1325(b) that discussed § 63.1325(b)(6).

Sections 63.490(c)(1)(i)(B) and 63.1325(c)(1)(i)(B). The EPA is proposing to add text to clarify that references to particulate matter in Method 1A do not apply for the purposes of subparts U and JJJ. This proposed addition verifies that Method 1A is an acceptable method for selecting sampling sites at small (less than twelve inches in diameter) pipes and ducts.

Sections 63.490(c)(1)(ii), (iii), and (v) and 63.1325(c)(1)(ii), (iii), and (v). The EPA is proposing to add text to these paragraphs to clarify the intended meaning and to reflect the use of new terminology (e.g., average batch vent concentration) that the EPA is proposing to add definitions for in §§ 63.482(b) and 63.1312(b).

Sections 63.490(d) and 63.1325(d). The proposed changes to §§ 63.490(d)(1) through (5) and 63.1325(d)(1) through (5) also reflect the use of newly defined terminology such as ''average batch vent concentration.'' In addition, the EPA is proposing to replace the term ''control device'' with the more precise term ''halogen reduction device'' in these paragraphs.

Sections 63.490(d)(3) and 63.1325(d)(3). The proposed edit to these paragraphs is a correction. The phrase ''and multiplying by 100'' needed to be added to the end of each paragraph in order for *percent* reduction to be the outcome of the procedures described in those paragraphs.

Sections 63.490(e)(2) and 63.1325(e)(2). The proposed addition of these paragraphs clarifies how the owner or operator of an aggregate batch vent stream is supposed to apply the performance testing procedures in § 63.116(c) to aggregate batch vent streams (i.e., the new paragraphs clarify that a 90 percent reduction is required, rather than the 98 percent reduction specified in § 63.116(c)(4)).

Sections 63.490(f) and 63.1325(g). These paragraphs reflect changes related to the concepts of batch mass input limitation and highest-HAP recipe, which were discussed at the beginning of this section (I.1.) as general concepts.

Sections 63.491(a) and 63.1326(a). The EPA is proposing to add language to this paragraph that refers to the proposed provisions in §§ 63.491(a)(9) and 63.1326(a)(9). The proposed provisions in §§ 63.491(a)(9) and 63.1326(a)(9) discuss the recordkeeping requirements for Group 2 batch process vents that are exempt from the batch mass input limitations, under proposed paragraphs §§ 63.487(h) and 63.1322(h).

Sections 63.491(a)(1) through (3) and 63.1326(a)(1) through (3). The EPA is proposing changes to these paragraphs, in order to be consistent with the proposed approach of using a batch mass input limitation, and the use of the ''highest-HAP recipe'' for batch process vent group determinations. These proposed approaches are discussed in more detail earlier in this Preamble. The proposed additions of §§ 63.491(a)(2)(i) and (ii) and 63.1326(a)(2)(i) and (ii) clarify that if the expected mix of products option is used for the group determination, records must be kept of the emission estimates during the production of the highest-HAP recipe for each unique product included in the expected mix, while if the single highest-HAP recipe (considering all products) option is used for the group determination, then only records of emission estimates during the production of the single highest-HAP recipe must be kept.

Sections 63.491(a)(7) & (8) and 63.1326(a)(7) & (8). With the proposed edits to these paragraphs, the EPA is proposing a recordkeeping burden reduction, in that certain group determination records would no longer be required to be kept for Group 1 batch process vents or aggregate batch vent streams that are using control devices to achieve compliance. This proposed change is consistent with many other instances in subparts U and JJJ where owners and operators are no longer ''required'' to keep records, if those records are contained in a report that has been submitted to the EPA in accordance with these subparts. The proposed reduction in the recordkeeping burden is accomplished by removing the promulgated paragraphs §§ 63.491(a)(8) and 63.1326(a)(8), and by removing the condition that the control device must be operating at all times during the batch emission episode from the recordkeeping exemption in §§ 63.491(a)(7) and 63.1326(a)(7).

In addition, the EPA is proposing to remove the requirement that these emission points already be in compliance with the Group 1 requirements in order to be exempt from the recordkeeping requirements, to avoid instances in which industry might be subject to ''double penalties'' for being out of compliance with the Group 1 requirements as well as for not having kept the group determination records. Instead, the EPA has proposed to replace the phrase ''in compliance with'' with the phrase ''subject to'' in reference to the Group 1 requirements contained in §§ 63.487(a) and (b) and 63.1322(a) and (b).

Sections 63.491(a)(9) and 63.1326(a)(9). The EPA is proposing to add new paragraphs at §§ 63.491(a)(9) and 63.1326(a)(9), describing the minimal recordkeeping requirements for Group 2 batch process vents that are exempt from the batch mass input limitation provisions. The proposed recordkeeping requirements for those emission points only require the owner or operator to maintain documentation of the maximum design capacity of the EPPU or TPPU, and of the mass of HAP or material that can be charged annually

to the batch unit operation at the maximum design capacity.

Sections 63.491(b), 63.1326(b), and elsewhere throughout both rules. The EPA is proposing to remove the phrase ''up-to-date'' from the recordkeeping requirements, because that phrase does not actually state the frequency with which records must be ''up-dated.'' The EPA believes that the regulatory text, minus the phrase ''up-to-date'', is sufficient to convey the EPA's intent, which was that the owner or operator must maintain all records that are required under these subparts.

Sections 63.491(b)(2) and 63.1326(b)(2). The EPA is proposing to amend these paragraphs to reflect the fact that the owner or operator of the batch process vent has the choice of complying with § 63.487 (a)(1) or (a)(2) for batch front-end process vents under subpart U, or of complying with § 63.1326(a)(1) or (a)(2) for batch process vents (except those being used to produce SAN) under subpart JJJ.

Sections 63.491(b)(3)(ii) and (iii); 63.1326(b)(3) (ii) and (iii); and elsewhere. The EPA is proposing to refer to the flare requirements that the EPA has proposed to add at §§ 63.504(c) and 63.1333(e), to make it clear that a compliance demonstration for flares must be conducted using the provisions found in § 63.11(b), as will be explained further in Section O.1. of this preamble.

The EPA is also proposing to clarify, throughout both rules (including in §§ 63.491(b)(3)(iii) and 63.1326(b)(3)(iii)), that only instances in which *all* pilot flames are absent (at a particular vent) must be recorded. In other words, if one pilot flame is absent, but a backup pilot flame is present at the process vent, the owner or operator need not record the incident.

Sections 63.491(d) and 63.1326(d). These paragraphs reflect changes related to the concept of batch mass input limitation, which was discussed earlier in this section.

Sections 63.491(e)(1)(i) & (ii) and 63.1326(e)(1)(i) & (ii). The EPA is proposing clarifying edits to these paragraphs, by specifying that the records described in Table 6 of subpart U and Table 7 of subpart JJJ, which list the monitoring, recordkeeping, and reporting requirements for Group 1 batch process vents, shall be ''maintained in place of continuous records (or batch cycle daily averages)'' instead of being ''kept rather than averages,'' because the word ''averages'' does not apply to all of monitored parameter values required by those tables. The language being proposed in §§ 63.491(e)(1)(i) and (ii) and 63.1326(e)(1)(i) and (ii) is now specific to the control devices listed in those paragraphs (i.e., flares and carbon adsorbers).

Sections 63.491(e)(2)(ii) and 63.1326(e)(2)(ii). The EPA is proposing to amend these paragraphs to clarify that monitoring data recorded during (1) periods of non-operation of the EPPU/TPPU (or specific portion thereof) resulting in cessation of organic HAP emissions, or (2) periods of start-up, shutdown, or malfunction, are not to be included in the computation of batch cycle daily averages. The EPA is also requesting comments on the idea of incorporating similar changes into § 63.1430(d)(2)(i) of subpart PPP, the Polyether Polyols Production NESHAP.

Sections 63.491(f) and 63.1326(f). The EPA is proposing to amend these paragraphs so that, instead of referring to the recordkeeping requirements in §§ 63.118(a) and (b), 63.491(f) and 63.1326(f) will list the appropriate recordkeeping requirements for aggregate batch vent streams. This proposed change does not alter existing requirements; rather, it simply lists the applicable provisions in subparts U and JJJ directly, rather than cross-referencing the HON provisions.

Sections 63.491(g) and 63.1326(g). The EPA is proposing to add these paragraphs, which describe the documentation requirements associated with establishing the batch mass input limitation. This proposed language replaces the promulgated language that appeared in §§ 63.490(f)(2) and 63.1325(g)(2), which described the documentation requirements accompanying the establishment of a batch cycle limitation. As an example, one difference between the promulgated provisions and those proposed under today's action include the fact that, under proposed §§ 63.491(g) and 63.1326(g), the owner or operator must identify whether or not they will be using the ''highest-HAP recipe'' to establish the batch mass input limitation, instead of having to identify whether or not they will be using the ''worst-case HAP emitting product,'' (to establish the ''batch cycle limitation'') as was required in the promulgated rule. This general change (from the ''worst-case'' concept to the ''highest-HAP'' concept) was discussed more fully at the beginning of this section of the preamble (I.1.)

Sections 63.492(a)(5) and 63.1327(a)(5). The proposed amendments include these new paragraphs, which provide reporting requirements for Group 2 batch process vents that are exempt from the batch mass input limitation provisions. As discussed earlier in this section, in order for a Group 2 batch process vent to be exempt from the batch mass input limitation provisions, the owner or operator will have had to conduct the group determination using the single highest-HAP recipe while assuming that the batch unit operation was operating at maximum design capacity for 12 months.

Sections 63.492(a)(6) and 63.1327(a)(6). The EPA is proposing to add this paragraph to clarify that the owner or operator who has chosen to use engineering assessment to estimate emissions from a batch emissions episode must submit, as part of the Notification of Compliance Status, a report stating that the criteria for being able to do so (in §§ 63.488(b)(6)(i) (A) and (B) and 63.1323(b)(6)(i) (A) and (B)) have been met.

Sections 63.492(b) and (c) and 63.1327(b), (c), and (d). These paragraphs reflect the EPA's proposal to remove all requirements related to submitting a schedule for compliance, as addressed earlier in this preamble under the discussion of proposed changes to §§ 63.480(i)(2) and 63.1310(i)(2). In addition, the text describing the submittal date of the report referenced by these paragraphs has been rewritten to clarify the intended meaning (i.e., that a description of the process change must be submitted to the Administrator within 180 days after the process change, or in the next Periodic Report, whichever is later). Finally, in paragraphs §§ 63.492(c) and 63.1327(c), the EPA is proposing to remove the requirement to submit the results of the redetermination of annual emissions, annual average batch vent flow rate, and cutoff flow rate, because the EPA has determined that this requirement represents an unnecessary reporting burden for industry.

Sections 63.492(d)(2) and 63.1327(e)(2). Sections 63.492(d) and 63.1327(e) specify the conditions under which an owner or operator is not required to submit a report of a process change. In §§ 63.492(d)(2) and 63.1327(e)(2), the EPA is proposing to add the condition that ''the batch mass input limitation does not decrease'' to the list of circumstances for which a report of a process change is not required. There may be circumstances in which a process change will not affect the group status of a batch process vent or increase emissions in excess of the cutoff, but the process change will necessitate a decrease in the batch mass input limitation. Such a decrease in the batch mass input limitation needs to be reported because compliance with the batch mass input limitation is necessary

to ensure that a Group 2 batch process vent remains a Group 2 batch process vent.

Sections 63.492(f) and 63.1327(g). The EPA is proposing changes to these paragraphs reflecting the EPA's decision that a damper could also be used as a bypass mechanism.

2. Changes Unique to Polymers and Resins I

Section 63.489(b)(4). The EPA is proposing to add the phrase ''or halogenated aggregate batch vent streams'' after the phrase ''halogenated batch front-end process vents,'' to clarify that the monitoring equipment is required whenever an incinerator, boiler, or process heater is used in concert with the combustion of emissions from either type of emission point.

Section 63.490(c)(1)(i)(D). The EPA is proposing amendatory language to this paragraph to indicate that other methods or data that have been validated according to the applicable procedures in Method 301, 40 CFR part 63, appendix A, may be used to determine the concentration of organic HAP or TOC.

Section 63.491(e)(3) & (4). The proposed amendments to these paragraphs will clarify that it is the *diversion* of flow, rather than flow itself, that the flow indicator is detecting. In addition, the EPA is proposing to remove the redundant requirement to record the ''duration'' of periods when flow is diverted away from a control device from § 63.491(e)(3). Section 63.491(e)(3) continues to require the owner or operator to maintain a record of the *times* of all diversions, from which the duration of the periods could always be calculated. The EPA is also proposing to remove text that refers to the requirements in § 63.489(d)(3) (which have been deleted in these proposed amendments) from § 63.491(e)(4).

Section 63.492(a). The phrase ''or aggregate batch vent stream'' has been added in the proposed amendments to this paragraph, to clarify that these reporting requirements apply to both owners and operators of batch front-end process vents and owners and operators of aggregate batch vent streams.

3. Changes Unique to Polymers and Resins IV

Section 63.1321(d). The EPA is proposing to add this paragraph to clarify that owners or operators producing ASA/AMSAN shall comply with paragraph § 63.1315(e), under these proposed amendments.

Section 63.1323(j). The EPA is proposing to make changes to this paragraph to implement the concept proposed in § 63.1310(i)(1)(i) that process changes are only changes that increase (as opposed to decrease) production capacity or production rate. The implementation of this concept for this paragraph is phrased as ''process changes * * * that could reasonably be expected to adversely impact the compliance status (i.e., achievement of 84 percent emission reduction).'' In addition, the cross-reference to the requirement to submit a compliance schedule has been removed from proposed § 63.1323(j)(3) and the timeframe for compliance is set by the provisions of § 63.1310(i); removal of the requirement for submission of compliance schedules is discussed more fully in Section B.1.

J. Back-end Provisions— Proposed Changes to §§ 63.493 Through 63.500 (Polymers and Resins I Only)

Section 63.493. The introductory text to the back-end provisions of subpart U has been amended slightly in this proposal, to clarify which producers are exempt from the back-end provisions. The promulgated language reads ''Owners and operators of affected sources that produce only latex products, liquid rubber products, or products in a gas-phased polymerization reaction are not subject to * * *'' The proposed language that would replace the promulgated language reads, ''Owners and operators of affected sources whose only elastomer products are latex products, liquid rubber products, or products produced in a gas-phased reaction process are not subject * * *.'' The proposed edits should clarify that this exemption applies to owners and operators of affected sources (i.e., those that produce elastomers).

Section 63.494(a). The EPA is proposing an amendment to this paragraph that will clarify the location at which the residual monomer in products must be determined, by adding a cross-reference to § 63.495(d) (which states the procedures for determining the sampling location), and by specifying that the measurement must be taken after the reactor, if the affected source does not have strippers. This latter clarification was necessary because at promulgation the rule gave no guidance as to where the sampling site for residual organic HAP should be at an affected source that did not have strippers.

Section 63.494(a)(4). At promulgation, this paragraph listed elastomer products for which there were no back-end process residual organic HAP limitations. The EPA is proposing to modify this paragraph to state that there are also no back-end process residual HAP limitations for styrene butadiene rubber produced by any process other than a solution process, polybutadiene rubber produced by any process other than a solution process, and ethylene-propylene rubber produced by any process other than a solution process.

Section 63.494(d). The EPA is proposing to add this paragraph to specify which requirements the owner or operator must follow if they are complying with the residual HAP limitations by using a flare.

Section 63.495(b)(2)(i) and (ii). The proposed amendments contain a minor change in terminology in these two paragraphs and elsewhere throughout the rule (e.g., § 63.497(a)), from ''batch (or continuous) stripping'' at promulgation, to ''a stripper operated in batch (or continuous) mode'' in the proposed amendments. As described in greater detail in Section II.D of this notice, the EPA is proposing to define the term ''stripper'' and to define the term ''stripping'' instead of the term ''stripping technology.''

Section 63.495(b)(5). The proposed amendment to this paragraph specifies that samples taken during a start-up, shutdown, or malfunction should not be included in the monthly weighted average. It is the EPA position that such samples are not ''representative'' of the back-end process for the month during which the start-up, shutdown, or malfunction occurred.

Section 63.496(b)(5)(i). The EPA is proposing to amend this paragraph in order to clarify the intended meaning of the promulgated paragraph, which was that sampling sites for inlet emissions shall be located at the exit of the back-end process unit operation, and that sampling sites for outlet emissions shall be located at the outlet of the control or recovery device.

Section 63.496(b)(5)(i)(A) and (B). The proposed edits to these paragraphs are meant to clarify that equipment in compliance with the equipment leak provisions do not constitute opportunities for emission to the atmosphere, for the purpose of these paragraphs.

Section 63.496(b)(6)(iv). The EPA is proposing a minor edit to this paragraph, so that the actual equation number (Equation 30) is explicitly mentioned, rather than implicitly referring to the equation, as the language did at promulgation.

Section 63.496(b)(7)(i). The EPA is proposing to refer to the flare requirements that the EPA has proposed

to add at § 63.504(c), to make it clear that a compliance demonstration for flares must be conducted using the provisions found in § 63.11(b), as will be explained further in Section O.1. of this preamble.

Section 63.496(b)(7)(iv). The proposed changes to this paragraph would exempt owners and operators from conducting another source test to determine the outlet organic HAP emissions from a specific control device if a performance test was conducted for determining compliance with another regulation promulgated by the EPA for the same control device. The prior performance test would have to have been conducted using the same Methods specified in subpart U, with no deliberate process changes having been made since the test. The EPA is also proposing that the owner or operator be permitted to demonstrate that the results of the performance test, with or without adjustments, reliably demonstrate compliance despite process changes.

Section 63.496(b)(7)(vi). The EPA is proposing to add this paragraph so that there is an exemption for RCRA incinerators in addition to the promulgated exemption for RCRA boilers and process heaters (which is in § 63.496(b)(7)(v)), because there was no technical reason to offer this exemption for boilers and process heaters, but not offer it for incinerators.

Section 63.497(a)(6). For the same reasons given earlier under ''*Section 63.489(b),*'' the EPA is proposing to replace the phrase ''regeneration stream flow'' with the phrase ''regeneration steam flow, nitrogen flow, or pressure (gauge or absolute).'' This same change will be evident in several other places in the proposed amendments (e.g., in Table 6 of subpart U).

Section 63.497(c). The EPA is proposing edits to this paragraph to clarify that it is the ''daily average value'' of the parameter monitoring levels that must be within the bounds of the limit, and to clarify that this paragraph does not apply when subpart U otherwise permits a deviation from the parameter monitoring limit.

Sections 63.497(d) and (d)(3), and 63.498(d)(5)(iv). The EPA is proposing to remove promulgated § 63.497(d)(3), because § 63.497(d)(1) and (d)(2), in conjunction with § 63.498(d)(5)(iii), have been determined to cover the requirement to continuously monitor the bypass line damper or valve position in the promulgated § 63.497(d)(3), making (d)(3) redundant and unnecessary. For the same reason, the EPA is proposing to remove part of § 63.498(d)(5)(iv), and ''reserve'' § 63.498(d)(5)(iv)(B), which specified the recordkeeping requirements associated with § 63.497(d)(3).

Sections 63.498(a)(1)–(3), 63.498(d), 63.499(a)(1)–(3), and 63.499(c)(3). The EPA is proposing to remove the requirement to keep records of the information listed in § 63.498(a)(1) through (3). The information requested under § 63.498(a)(1) through (3) is readily apparent upon inspection of the facility. Further, that information is also reported to the Administrator in the Notification of Compliance Status, as is required under the proposed amendments to § 63.499(a)(1) through (3).

Similarly, the EPA is proposing to remove the requirement to keep records of the information listed in the promulgated paragraphs § 63.498(d)(2) through (4), because that information is all reported to the EPA according to other provisions of the rule (or is being proposed as a reporting requirement under § 63.499(c)(3)). In addition, a small clarifying edit is being proposed for § 63.498(d)(5)(i).

Section 63.498(d)(5)(ii)(B). The EPA is proposing to add a sentence to this paragraph, clarifying that monitoring data recorded during periods of non-operation of the EPPU (resulting in cessation of organic HAP emissions) or during periods of start-up, shutdown, or malfunction shall not be included in computing the hourly or daily averages for a control or recovery device on a back-end process. The reason for this proposed change is that the EPA believes that data recorded during those time periods are not representative of the hour or day in which the period of non-operation of the EPPU (resulting in cessation of organic HAP emissions), start-up, shutdown, or malfunction occurred.

Section 63.500(d)(2). The EPA is proposing to use the term ''shortstop agent'' rather than the term ''shortstop'' throughout this paragraph, in order to better reflect common terminology used in the elastomer production industry.

K. Process Contact Cooling Tower Provisions—Proposed Changes to § 63.1329 (Polymers and Resins IV Only)

Section 63.1329(a). The EPA is proposing to reorganize and rewrite this paragraph, to clarify its intended meaning. The intended meaning of the promulgated paragraph, and the more obvious meaning of the proposed paragraph, is that the owner or operator of a new affected PET source must comply with the new affected source requirements in § 63.1329(b), and that the owner or operator of an existing affected source that produces PET using a continuous terepthalic acid high viscosity multiple end finisher that utilizes a process contact cooling tower must comply with the existing affected source requirements in § 63.1329(c).

Section 63.1329(c). The EPA is proposing to add text to this paragraph to clarify the intended meaning. Specifically, text is being proposed that states that owners or operators complying with this paragraph § 63.1329(c) must also comply with the wastewater provisions specified in § 63.1330 for process wastewater streams sent to the process contact cooling tower.

Section 63.1329(c)(1)(i). The EPA is proposing to remove text from this paragraph that discussed violations of the standard. Compliance with the standard is discussed elsewhere in the rule and ''violations'' do not need to be discussed in this paragraph or section.

Section 63.1329(c)(1)(iii). The EPA is proposing to add definitions of the terms used in Equation 27, which were inadvertently left out at promulgation (i.e., ''CI_{95}'' and ''X_i'').

L. Wastewater Provisions— Proposed Changes to §§ 63.501 and 63.1330

1. Changes Common to Polymers and Resins I and IV

As mentioned earlier in this preamble, several cross-referencing and clarifying changes need to be made to §§ 63.501 and 63.1330 as a result of the extensive amendments to the HON wastewater provisions, which both §§ 63.501 and 63.1330 reference. For example, § 63.149 of the HON, which was formerly ''Reserved'', now contains control requirements for certain liquid streams in open systems. Because the requirements in this new section (§ 63.149) are also appropriate for subpart U and JJJ affected sources, references to the HON wastewater provisions in subparts U and JJJ were changed from ''§§ 63.131 through 63.148'' to ''§§ 63.132 through 63.147 of subpart G for each process wastewater stream originating at an affected source,'' ''§ 63.148 of subpart G for leak inspection provisions,'' and ''§ 63.149 of subpart G for equipment that is subject to § 63.149.'' Section 63.131 has been dropped from the list because it is now ''reserved'' in the HON. In addition, new ''exceptions'' were required, to reflect the promulgated amendments to the HON wastewater provisions. For subpart U, these ''exceptions'' are proposed as paragraphs § 63.501(a)(5) through (a)(13), (a)(17), (a)(18), and (a)(21) through (a)(23). For subpart JJJ, these exceptions are proposed as paragraphs § 63.1330(b)(4) through (b)(12), (b)(15), (b)(16), and (b)(20)

through (b)(22). In addition, the EPA is proposing to remove promulgated §§ 63.501(a)(3) and (a)(4) and 63.1330(b)(6) and (b)(7) because the HON requirements referenced by these paragraphs were removed as part of the revisions to the HON wastewater provisions.

Other changes to §§ 63.501 and 63.1330 include various cross-reference updates necessitated by the re-organization of the HON recordkeeping and reporting provisions, which are contained in §§ 63.151 and 63.152 of subpart G, and are referenced frequently throughout §§ 63.132 through 63.149 of subpart G. One slightly more substantive change is being proposed in §§ 63.501(a)(19) and 63.1330(b)(18), as discussed in greater detail below.

Sections 63.501(a) and 63.1330(a). For subpart U, the EPA is proposing to reorganize this paragraph to clarify its intended meaning. For subpart JJJ, the EPA is proposing to add this paragraph to clarify the organization of the section. For both rules, the EPA is proposing additions that reflect changes in the HON provisions (e.g., the addition of references to § 63.149).

Sections 63.501(a)(4) (promulgated (a)(5)) and 63.1330(b)(3) (promulgated (a)(3)). The EPA is proposing to rewrite these paragraphs to clarify their intended meaning, which is that owners and operators who are making requests to monitor alternative parameters must follow the procedures in §§ 63.506(g) and 63.1335(g), rather than the procedures in §§ 63.151(g) and 63.152(e).

Sections 63.501(a)(14) and (a)(15) and 63.1330(b)(13) and (b)(14) (promulgated (a)(4) and (a)(5)). The EPA is proposing to add text to these paragraphs to clarify the intended meaning. It appeared that there was some confusion, prior to the proposed changes being made, over whether owners and operators were required to submit reports (e.g., the Notification of Compliance Status and Periodic Reports) under both the requirements in the HON and the requirements in subpart U or JJJ. The proposed amendments clarify that the EPA only expects owners or operators of a subpart U or a subpart JJJ affected source to fulfill the reporting requirements specified in subpart U or subpart JJJ, respectively.

Sections 63.501(a)(19) and 63.1330(b)(18): Process Wastewater Streams Containing Styrene. The EPA is also proposing to add a paragraph at §§ 63.501(a)(19) and at 63.1330(b)(18), which allows process wastewater streams that contain styrene to be excluded when calculating the required mass removal (RMR) or the actual mass removal (AMR) for open or closed aerobic biological treatment processes. As part of the public comments received on the proposed rules, it was brought to the attention of the EPA that styrene can clog steam strippers, and the promulgated rules were intended to allow process wastewater streams containing styrene to be sent directly to biological treatment units, without steam stripping and without being included in the subsequent RMR and AMR calculations.

However, the promulgated rules mistakenly provided this exemption for all process wastewater streams. Therefore, in addition to presenting the concept of exempting certain process wastewater streams from RMR and AMR calculations more clearly, the proposed revisions correct the error of exempting all process wastewater streams from inclusion in the RMR and AMR calculations. The newly proposed paragraphs §§ 63.501(a)(19) and 63.1330(b)(18) also specify when a process wastewater stream is considered to contain styrene.

Sections 63.501(d) (promulgated) and 63.1330(a)(12) (promulgated). The EPA is proposing to remove these paragraphs and replace them with §§ 63.501(a)(9) and 63.1330(b)(7), respectively. The promulgated paragraphs discussed relying on the compliance dates contained in these rules instead of the compliance dates contained in the HON. The EPA believes that this provision would be less likely to be overlooked by including it earlier in the section, with all of the other ''exceptions'' to the HON wastewater requirements.

2. Changes Unique to Polymers and Resins I

Section 63.501(a)(3). The EPA is proposing to add this paragraph to correct an error in the promulgated rule. As was described in the promulgation preamble, the EPA determined that new affected sources should be subject to the same wastewater requirements as existing sources. The EPA believes that the promulgated rule was not clear about the fact that new Group I Polymers and Resins affected sources are only subject to the existing source wastewater requirements in the HON. The proposed addition of § 63.501(a)(3) clarifies the EPA's original intent, by clearly stating that Group 1 wastewater streams at new affected sources are not subject to the HON new source requirements for wastewater, and by stating that owners and operators of new affected elastomer sources must comply with the requirements for existing sources in §§ 63.132 through 63.149.

M. Equipment Leak Provisions—Proposed Changes to §§ 63.502 and 63.1331

1. Changes Common to Polymers and Resins I and IV

Sections 63.502(c) and 63.1331(a)(2). The EPA is proposing to amend these paragraphs in order to clarify that the HON compliance dates do not apply to owners and operators with regard to equipment leaks. In addition, the EPA is proposing that owners and operators should follow the provisions in §§ 63.481(e) and 63.1311(e), when requesting a compliance date extension, no matter what the emission point is (i.e., for equipment leaks as well as all other emission points).

Sections 63.502(f) and (g), and 63.1331(a)(4) and (5). The proposed changes to these paragraphs are meant to clarify the intended meaning of the promulgated paragraphs (§§ 63.502(h) and (i), and 63.1331(a)(4) and (5)), and do not constitute a significant deviation from the promulgated language. Proposed §§ 63.502(f) and 63.1331(a)(4) clearly state that the owners and operators of affected sources must submit the Notification of Compliance Status (for compliance with the equipment leak provisions) within 150 days after the sources are required to be in compliance with those equipment leak provisions, instead of within 90 days, as § 63.182(a)(2) and (c) of subpart H required. Similarly, §§ 63.502(g) and 63.1334(a)(5) state that the information that subpart H requires to be submitted in Periodic Reports (via §§ 63.182(a)(3) and (d)) must instead be submitted according to the requirements in §§ 63.506(e)(6) and 63.1335(e)(6).

Sections 63.502(h) and 63.1331(a)(10). The EPA is proposing to add these paragraphs, which reflect the amendments to § 63.100(e)(3), in order to clarify guidelines under which equipment may be aggregated, even if different administrative organizations (e.g., different companies, affiliates, departments, divisions, etc.) are responsible for the management of the equipment in question.

Section 63.502(i). The EPA is proposing to add this paragraph to clarify that only organic HAP listed on Table 5 of subpart U that are also listed on Table 9 of subpart G need to be considered when subpart H refers to Table 9 of subpart G.

Sections 63.502(k) and 63.1331(a)(13). The EPA is proposing to add paragraphs as §§ 63.502(k) and 63.1331(a)(13) which tell owners or operators what to do in the event that they are using a flare to comply with the equipment leak provisions, and need to do a compliance

demonstration for that flare. It is not anticipated that this will be a common occurrence, but the EPA decided that it was prudent to have a provision in the rule to handle this situation, in the event that it arises at a facility.

Sections 63.502(l) and 63.1331(a)(11). These proposed paragraphs refer to the definitions of ''equipment'' (for both subparts U and JJJ) and ''equipment leaks'' (subpart JJJ only) which the EPA is proposing to add in §§ 63.482 and 63.1312, in order to distinguish between the use of those terms in subparts U and JJJ and the use of those same terms in subpart H, as described in greater detail in the ''Definitions'' section above.

Sections 63.502(m) and 63.1331(a)(12). The EPA is proposing to clarify the language in § 63.1331(a)(12) by removing the word ''substitute'' (which could have multiple meanings), and is proposing to add a parallel paragraph to § 63.502(m). Both §§ 63.1331(a)(12) and 63.502(m) specify how owners and operators of subpart JJJ or U affected sources are supposed to interpret references to subparts F and I, in the HON equipment leak provisions (subpart H).

2. Changes Unique to Polymers and Resins I

The Title to § 63.502. The EPA is proposing to rename § 63.502, due to the fact that the heat exchange provisions are also contained in this section.

Section 63.502(b)(1) through (7). In these paragraphs, the EPA is proposing changes to clarify the intended meaning. First, the intent of the promulgated paragraphs was that only surge control vessels and bottoms receivers that were *dedicated* to the specified elastomer products or intermediates listed in § 63.502(b)(1) through (7) be exempt from the equipment leak provisions. The EPA did not intend that surge control vessels and bottoms receivers containing small amounts of those elastomer products or intermediates be exempt from the equipment leak provisions. Therefore, the language has been changed to exempt surge control vessels and bottoms receivers ''that receive only'' the specified material, as opposed to exempting those ''containing'' the specified material. Paragraph § 63.502(b)(2) was also further reworded to clarify that ''other latex products'' was intended to mean latex products ''other than styrene-butadiene latex.''

Section 63.502(d). In the promulgation preamble, the EPA explained that an exclusion was being added for reciprocating pumps that must leak small quantities of product to lubricate and cool the shaft and seal areas (61 FR 46923). Therefore, § 63.502(d), which states that the presence of liquids dripping from bleed ports in pumps and agitator seals in light liquid service is not to be considered a leak, was added at promulgation of subpart U. However, the EPA also intended to address other situations that occur with reciprocating pumps, but neglected to do so at promulgation. Therefore, the EPA is proposing to add exemptions from the equipment leak provisions for reciprocating pumps in heavy liquid service, and for reciprocating pumps in light liquid service, if recasting the distance piece, or reciprocating pump replacement, is required.

Section 63.502(e). The EPA is proposing to remove the promulgated § 63.502(e) because it is redundant, considering the provisions contained in § 63.481(h). The proposed § 63.502(e) was promulgated as § 63.502(g).

Section 63.502(f). The EPA is proposing to move the requirements that were promulgated under § 63.502(f) for heat exchange systems to the end of the section, in order to clarify that they are separate from the equipment leak provisions. In these proposed amendments, the heat exchange system provisions are in § 63.502(l). Other changes to these provisions are discussed in greater detail in section N.I. of this preamble.

Section 63.502(i). The EPA is proposing to add this paragraph to clarify that only organic HAP listed on Table 5 of subpart U that are also listed on Table 9 of subpart G need to be considered when subpart H refers to Table 9 of subpart G.

Section 63.502(j). The EPA is proposing to add this paragraph, which parallels the promulgated paragraph in § 63.1311(a)(8), in order to allow owners and operators the option of using Method 25A (40 CFR part 60) instead of Method 18 (40 CFR part 60) when the equipment leak provisions found in the HON specify that Method 18 (40 CFR part 60) must be used.

3. Changes Unique to Polymers and Resins IV

Section 63.1331(a)(6). The EPA is proposing to revise this paragraph to clarify its intended meaning.

Section 63.1331(a)(6)(iii) and (iv). In § 63.1331(a)(6)(iii) and (iv), the EPA is proposing to add new exceptions from the requirements in subpart H to clarify how owners and operators are expected to comply with the requirements of paragraph § 63.1331(a)(6). These additional exceptions are being proposed in order to remove contradictions concerning compliance demonstrations that were created by the promulgated rule. The EPA is also proposing to remove the promulgated paragraph § 63.1331(a)(7), because § 63.1331(a)(6)(iii) and (iv) now provide subpart JJJ specific guidance for developing an initial list of identification numbers for pumps, valves, connectors, and agitators in heavy liquid service; pressure relief devices in light liquid or heavy liquid service; and instrumentation systems.

Section 63.1331(a)(7). The EPA is proposing to add a new paragraph as § 63.1331(a)(7), to clarify that owners and operators do not need to refer to the organic HAP list in Table 9 of subpart G, as directed under § 63.166(b)(4)(i). The owner or operator only needs to assess whether or not organic HAP listed on table 6 of subpart JJJ are present and to comply with the provisions of this section for those organic HAP, except ethylene glycol (to which the provisions cited by § 63.1331(a)(7) do not apply).

Section 63.1331(a)(9). The EPA is proposing to remove this paragraph, due to the fact that the EPA is also proposing to consider surge control vessels and bottoms receivers to be subject to the equipment leak provisions. This proposed change would make subpart JJJ consistent with subpart U, with regard to how it handles surge control vessels and bottoms receivers, but it will not cause any change in the actual control requirements for surge control vessels and bottoms receivers.

Section 63.1331(b). This paragraph has been reorganized and rewritten to clarify the intended meaning.

N. Heat Exchange System Provisions—Proposed Changes to §§ 63.502(l) and 63.1328

1. Changes Common to Polymers and Resins I and IV

Sections 63.502(n)(1) through (n)(6) and 63.1328(a) through (g). The EPA is proposing to add explanations of how the requirements in § 63.104 for heat exchange systems apply to subpart U and JJJ affected sources. These proposed paragraphs, added as §§ 63.502(n)(1) through (6) and 63.1328(c) through (g), provide the specific requirements (e.g., compliance dates and reporting requirements) that are applicable to heat exchange systems subject to subpart U and subpart JJJ. In addition, proposed § 63.1328(a) has been reorganized and rewritten to clarify the intended meaning, and the EPA is proposing to add § 63.1328(b) as part of this clarification.

2. Changes Unique to Polymers and Resins I

Sections 63.502(f) and 63.502(n). As mentioned earlier, the EPA is proposing to move the promulgated paragraph § 63.502(f) to the end of § 63.502 (as § 63.502(n)) to clearly separate the heat exchange systems from the equipment leak provisions.

O. Performance Testing—Proposed Changes to §§ 63.504 and 63.1333

1. Changes Common to Polymers and Resins I and IV

Title of the Sections. The EPA is proposing to change the title of §§ 63.504 and 63.1333 to ''Additional requirements for performance testing'' because this title more accurately conveys the contents of these sections than did the promulgated title ''Additional test methods and procedures.''

Sections 63.504(a)(1) and 63.1333(a)(1). In order to account for factors that might make the ''maximum representative operating conditions'' unreasonable to achieve, the EPA is proposing to modify the concept. First, the proposed changes specify that the operating conditions must be ''achievable'' during either the 6-month period that ends two months before the Notification of Compliance Status is due, or during the 6-month period that begins 3 months before the performance test and ends 3 months after the performance test.

Second, the proposed changes specify that testing is not required under conditions that (1) would cause damage to equipment; (2) would necessitate that the owner or operator make product that does not meet an existing specification for sale to a customer; or (3) would necessitate that the owner or operator make product in excess of demand.

Sections 63.504(a)(4) and 63.1333(a)(4). The EPA is proposing to add language to these paragraphs in order to specify that the owner or operator needs to give the Administrator at least 7 days (prior to the originally scheduled performance test) notice if a performance test needs to be rescheduled. The proposed changes also allow the performance test to be rescheduled by mutual agreement between the Administrator and the owner or operator, if necessary.

Sections 63.504(a)(5) and 63.1333(a)(5). The EPA is proposing to add these paragraphs to clarify that performance tests must be conducted no later than 150 days after the applicable compliance dates. Section 63.7(a)(2)(iii) in the General Provisions provides for performance tests to be conducted ''within 180 days after the compliance date'' of a standard. However, because the Notification of Compliance Status for subparts U and JJJ is due 150 days after the compliance dates for the different emission points, giving owners and operators 180 days ''after the compliance date'' of the rules will not work under subparts U and JJJ, because that would infer that performance tests could be completed up to 30 days after the Notification of Compliance Status was due. That is not the intent; performance tests must be conducted early enough to be included in the Notification of Compliance Status, which is due 150 days after the compliance dates specified in subparts U and JJJ, according to §§ 63.506(e)(5) and 63.1335(e)(5). With these proposed amendments, the EPA is also replacing the phrase ''within 180 days after,'' which was used in the General Provisions, with the phrase ''no later than 150 days,'' because the latter phrase clarifies that the Notification of Compliance Status is due *after* the compliance date, according to subparts U and JJJ.

Sections 63.504(c) and 63.1333(e). The EPA is proposing to add these paragraphs because, in their promulgated form, both subpart U and subpart JJJ referred to § 63.11(b) for determining compliance with the flare requirements. The EPA is proposing to add §§ 63.504(c) and 63.1333(e), to make it clear that a compliance demonstration for flares must be conducted using the provisions found in § 63.11(b). Specifically, the proposed paragraphs require that the owner or operator (1) conduct a visible emission test, (2) determine the net heating value of the gas being combusted, and (3) determine the exit velocity. In each case, the provisions specify that these parameters be determined in accordance with specific paragraphs in § 63.11. Paragraphs §§ 63.504(c) and 63.1333(e) also specify that an owner or operator is not required to conduct a performance test to determine percent emission reductions or outlet organic HAP or TOC concentrations for flares. In addition, the proposed paragraphs specify that a previously conducted flare compliance demonstration may be used to demonstrate compliance, provided that no deliberate process changes have been made since the compliance demonstration, or the results of the compliance demonstration reliably demonstrate compliance despite process changes. The EPA is also requesting comments on the idea of adding similar language as § 63.1437(c) in subpart PPP, the Polyether Polyols Production NESHAP.

P. Parameter Monitoring Levels and Excursions—Proposed Changes to §§ 63.505 and 63.1334

1. Changes Common to Polymers and Resins I and IV

Sections 63.505(a) and 63.1334(a). Significant revisions to this paragraph are being proposed for a variety of reasons, having mostly to do with possible misinterpretations of the promulgated paragraphs §§ 63.505(a) and 63.1334(a). The promulgated language could be read to imply that the procedures for determining parameter monitoring levels contained in §§ 63.505(c) and (d) and 63.1334(c) and (d) were ''unapproved,'' whereas the intent of the paragraph was to specify that parameter monitoring levels established using those provisions were subject to approval by the Administrator. The proposed language in §§ 63.505(a) and 63.1334(a) is very explicit about which procedures (i.e., those contained in §§ 63.505(b), (c), or (d) or 63.1334(b), (c), or (d)) are permissible under varying circumstances. Corresponding revisions are also being proposed, to §§ 63.506(e)(3) and 63.1335(e)(3) to provide instructions on how to submit information that requires approval by the Administrator.

Sections 63.505(a)(1) and 63.1334(a)(1). As with proposed § 63.497(c), these paragraphs are being proposed to clarify that it is the ''daily average value'' of the parameter monitoring levels that must be within the bounds of the limit, and not necessarily each data point. In addition, similar to proposed § 63.497(c), these paragraphs also make clear that they do not apply when subpart U or JJJ otherwise permits a deviation from a parameter monitoring limit.

Sections 63.505(a)(2) and 63.1334(a)(2). The EPA is proposing edits to these paragraphs to clarify how the established parameter monitoring levels should be submitted to the EPA.

Sections 63.505(b) and 63.1334(b). The EPA is proposing amendments to §§ 63.505(b) and 63.1334(b) to clarify that they only apply to owners and operators who elect to establish a parameter monitoring level for a control, recovery, or recapture device based *exclusively* on parameter values measured during performance tests. The EPA is proposing to ''reserve'' §§ 63.505(b)(1) and 63.1334(b)(1), which were inconsistent with the objective of the promulgated §§ 63.506(b) and 63.1335(b), because the promulgated

§§ 63.505(b)(1) and 63.1334(b)(1) allowed the owner or operator to consider engineering assessments and/or manufacturer's recommendations in addition to measured parameter values when establishing the parameter monitoring level. Engineering assessment and/or manufacturer's recommendations may be used under §§ 63.505(c) and (d) and 63.1334(c) and (d), when appropriate, but are not permitted to be used under §§ 63.505(b) or 63.1334(b), because, as proposed, §§ 63.505(b) and 63.1334(b) provide procedures for establishing parameter monitoring levels based *exclusively* on performance tests.

The EPA is proposing to remove the promulgated paragraphs at §§ 63.505(b)(3)(i)(A) and 63.1334(b)(3)(i)(A) (which required continuous parameter monitoring when batch emission episodes are being vented to control devices), because promulgated paragraphs §§ 63.505(b)(3)(i)(A) and 63.1334(b)(3)(i)(A) are no longer necessary, in that the proposed changes to the parent paragraph, §§ 63.505(b)(3) and 63.1334(b)(3), require the owner or operator to test and record monitoring data during the ''entire episode.'' In proposed paragraphs §§ 63.505(b)(3)(i)(B) and (C) and 63.1334(b)(3)(i)(B) and (C), the EPA has added an explanatory phrase at the end of each paragraph, clarifying how maximum and minimum parameter monitoring levels are to be established.

Sections 63.505(c) and (d) and 63.1334(c) and (d). The EPA is proposing to amend §§ 63.505(c) and 63.1334(c) in an effort to clarify the original intent of the paragraph, which is that owners and operators have the option of supplementing performance tests with engineering assessments and/or manufacturer's recommendations, and are not required to conduct performance tests over the entire range of expected parameter values. Similarly, the EPA is proposing to amend §§ 63.505(d) and 63.1334(d) to clarify that these provisions apply to owners and operators who have the option of choosing, and have chosen, to establish their parameter monitoring levels based exclusively on engineering assessments and/or manufacturer's recommendations. Further, proposed changes to §§ 63.505(a) and 63.1334(a) clarify that if the owner or operator selects §§ 63.505(c) or (d), or 63.1334(c) or (d) as the means of establishing parameter monitoring levels for control, recovery, or recapture devices, the information listed in §§ 63.506(e)(3)(viii) or 63.1335(e)(3)(vii) must be included in the Precompliance Report and is subject to review by the Administrator.

Sections 63.505(f), (g)(1), and (g)(2); and 63.1334(e), (f)(1), and (f)(2). With these amendments to subparts U and JJJ, the EPA is proposing to ''reserve'' §§ 63.505(f) and 63.1334(e), while amending §§ 63.505(g) and 63.1334(f) to include all the circumstances that constitute parameter monitoring excursions. In promulgated §§ 63.505(f) and 63.1334(e), the only global compliance requirement addressed was that owners and operators shall be ''deemed out of compliance'' for each parameter monitoring excursion (except, of course, for excused excursions). The EPA believes that it is more appropriate to include this provision regarding excursions under the definition of parameter monitoring excursions that is found in §§ 63.505(g) and 63.1334(f), and has revised §§ 63.505(g) and 63.1334(f) accordingly, in these proposed amendments.

In addition to the proposed changes described above, the EPA is proposing to add paragraphs §§ 63.505(g)(1)(v)(A) through (E), 63.505(g)(2)(ii)(B)(*1*) through (*4*), 63.1334(f)(1)(v)(A) through (E), and 63.1334(f)(2)(ii)(B)(*1*) through (*4*), describing the periods that are not to be included when determining the period of control or recovery device operation. Under the proposed amendments, those periods are not to be used when determining if sufficient monitoring data are available (under the provisions of §§ 63.505(g)(1)(ii), (g)(1)(iii), or (g)(2)(ii); or 63.1334(f)(1)(ii), (f)(1)(iii), or (f)(2)(ii)) for the owner or operator to avoid having an excursion. The periods that must be omitted when determining the period of control or recovery device operation include periods of monitoring system breakdowns, repairs, calibration checks, and zero (low-level) and high-level adjustments; start-ups; shutdowns; malfunctions; and periods of non-operation of the affected source that result in the cessation of emissions to which the monitoring applies.

The proposed changes to §§ 63.505 and 63.1334 also incorporate changes that were made in the HON amendments to § 63.152. The HON served as a model for the requirements related to start-up, shutdown, and malfunction situations in subparts U and JJJ. The HON amendments specified that start-up, shutdown, and malfunction situations and periods of non-operation of the affected source (or portion thereof) that caused the owner or operator to be unable to collect sufficient monitoring data, or which resulted in data that would have otherwise indicated that an excursion had taken place, were not to be considered ''excursions.'' The EPA proposes to incorporate this concept into §§ 63.1334(f) and 63.505(g). In addition, the EPA is proposing to add specifications under §§ 63.505(g)(2)(ii)(A) through (D) and 63.1334(f)(2)(ii)(A) through (D), to assist the owner or operator in making the determination of whether or not monitoring data will be considered ''insufficient'' for an operating day.

The HON amendments also specified that monitoring data recorded during such periods were not to be included in any average computed under subpart G. The EPA is proposing to incorporate similar provisions into §§ 63.506(d)(7) and 63.1335(d)(7), as discussed in more detail in the preamble to the proposed HON amendments (see table 2 of this preamble). To be consistent with this stance, the EPA is proposing to add clarifying provisions under §§ 63.505(g)(2)(ii)(B)(*1*) through (*4*) and 63.1334(f)(2)(ii)(B)(*1*) through (*4*), stating that those time periods should be subtracted from the ''operating time'' used to determine whether monitoring data are sufficient.

Sections 63.505(g)(3) and 63.1334(f)(3). Because daily average values will not be meaningful in the case of storage vessels that are not required to be continuously monitored, the EPA is proposing to add §§ 63.505(g)(3) and 63.1334(f)(3), which describe what would constitute an excursion for a storage vessel that is not required to be continuously monitored (provisions for storage vessels that are required to be continuously monitored are in §§ 63.505(g)(1) and 63.1334(f)(1)). The excursion criteria listed in §§ 63.505(g)(3) and 63.1334(f)(3) depend on the monitoring criteria set out in the storage vessel's monitoring plan, and do not depend on parameters having been continuously monitored.

2. Changes Unique to Polymers and Resins I

Section 63.505(h). The change that the EPA is proposing in § 63.505(h) is to add the reminder that ''For each excursion, the owner or operator shall be deemed out of compliance with the provisions of this subpart, except as provided in paragraph (i) of this section,'' to the end of § 63.505(h), to account for the decision to ''reserve'' § 63.505(f), which, at promulgation, included the concept of excused excursions in back-end operations.

3. Changes Unique to Polymers and Resins IV

Section 63.1334(f)(4) through (7). The EPA is proposing to add these four

paragraphs to address four other events that the EPA considers to be ''excursions.'' Briefly, these proposed ''excursion'' descriptions include: (1) Instances when the mass emission rate exceeds the appropriate mass emissions per mass product at a continuous process vent complying with the mass emissions per mass product requirements in § 63.1315; (2) instances when the mass emission rate exceeds the appropriate mass emissions per mass product at a continuous process vent complying with the mass emissions per mass product requirements in § 63.1316; (3) instances when the daily average exit temperature exceeds the appropriate condenser temperature limit at a continuous process vent complying with the temperature limits for final condensers; and (4) instances when the percent reduction is less than 84 percent at a new affected source producing SAN using a batch process.

Q. General Recordkeeping and Reporting—Proposed Changes to §§ 63.506 and 63.1335

1. Changes Common to Polymers and Resins I and IV

Sections 63.506(a) and 63.1335(a). Under the changes proposed to §§ 63.506(a) and 63.1335(a), the EPA is proposing to remove the requirement for an owner or operator to maintain copies of reports, if those reports were required to be submitted to the EPA and have been submitted to the appropriate EPA Regional Office. In addition, under the proposed amendments, if the EPA Regional Office has waived the requirement for submittal of reports to the Region, the owner or operator is not required to maintain copies of those reports. These revisions are being proposed due to industry's concern that misplacing a copy of a report would be a violation, even though the report had been properly submitted to the EPA. This was not the EPA's intent.

The proposed revisions to §§ 63.506(a) and 63.1335(a) are also intended to reduce the volume of records that must be stored on-site. Industry representatives have expressed concern that on-site storage is often limited and more costly than off-site storage. Under the promulgated versions of subparts U and JJJ, the most recent 5 years of records were required to be kept, but the rules were silent on where these records could be stored. These proposed revisions would specify that at least the most recent 6 months' worth of records be stored on-site or be available within 2 hours by any means. The remaining 4 and one half years worth of records may be retained off-site, under these proposed amendments.

Sections 63.506(b)(1) and 63.1335(b)(1). The HON was silent on the issue of whether or not monitoring equipment could be ''shut off'' during a start-up, shutdown, or malfunction. The language that the EPA is proposing to add to §§ 63.506(b)(1) and 63.1335(b)(1) allows monitoring equipment to be shutdown during a start-up, shutdown, or malfunction only if the monitor would be damaged or destroyed as a result of the start-up, shutdown, or malfunction. The owner or operator may only do so, however, if they have included a provision in the Start-up, Shutdown, and Malfunction Plan, setting forth the circumstances under which monitoring equipment may be shutdown. Getting such a provision in the Start-up, Shutdown, and Malfunction Plan requires the owner or operator to submit a request, and rationale defending the request, in the Precompliance Report or in a supplement to the Precompliance Report. If the request is not denied by the Administrator within 45 days after receiving the request, it can then be incorporated into the Start-up, Shutdown, Malfunction Plan. The changes described above are contained in the proposed amendments to §§ 63.506(b)(1), (e)(3), (e)(3)(i), (e)(3)(viii), and (e)(3)(ix), and 63.1335(b)(1), (e)(3), (e)(3)(i), (e)(3)(viii), and (e)(3)(ix).

These proposed changes are meant to strike a balance between the EPA's decision to require that monitoring data be collected at all relevant times and industry's concern that valuable monitoring equipment could be damaged during a start-up, shutdown, or malfunction. The proposed changes are intended to provide protection for monitoring equipment during those periods, while providing the EPA with assurance that monitoring equipment is not being ''shut off'' indiscriminately.

Under another proposed change to §§ 63.506(b)(1) and 63.1335(b)(1), text related to incorporating the Start-up, Shutdown, and Malfunction Plan into the operating permit has been removed. Because the Start-up, Shutdown, and Malfunction Plan is meant to be a document that can be easily changed to account for new start-up, shutdown, and malfunction situations, the burden of including the plan in the operating permit (thereby requiring a modification to the operating permit to include new start-up, shutdown, and malfunction situations) was judged to be overly burdensome for subpart U and JJJ affected sources. For this reason, the EPA is proposing changes to §§ 63.506(b)(1) and 63.1335(b)(1) that require owners or operators to only keep the Start-up, Shutdown, and Malfunction Plan ''on-site,'' rather than requiring that it be ''incorporated by reference'' into the operating permit, as was done at promulgation.

Sections 63.506(b)(1)(i) and 63.1335(b)(1)(i). In these paragraphs and their subparagraphs, the EPA is proposing the addition of the concept that records of the occurrence and duration of start-up, shutdown, and malfunctions are only required if such periods result in excess emissions. Consistent with other proposed amendments discussed in this preamble, the EPA is proposing this change to reduce the recordkeeping burden upon the owner or operator of an affected source that has not experienced a violation of the rule. This change is also intended to protect the owner or operator from being subject to their Start-up, Shutdown, Malfunction plan during periods when the source is not operating. The EPA is also proposing to move the promulgated §§ 63.506(b)(1)(i)(C) to 63.506(d)(8) and 63.1335(b)(1)(i)(C) to 63.1335(d)(8), because although promulgated §§ 63.506(b)(1)(i)(C) and 63.1335(b)(1)(i)(C) contained recordkeeping requirements, they were not directly related to records that must be kept during periods of start-up, shutdown, or malfunction.

Sections 63.506(c) and 63.1335(c). The EPA is proposing to ''reserve'' these paragraphs due to the fact that all of the recordkeeping and reporting requirements that are related to subpart H of this part (equipment leaks) are now specified elsewhere in subparts U and JJJ (primarily in §§ 63.502, 63.1331, 63.506, 63.1335, table 8 of subpart U, and table 9 of subpart JJJ).

Sections 63.506(d) and 63.1335(d). In §§ 63.506(d) and 63.1335(d), the EPA is proposing to add language clarifying the recordkeeping requirements for owners and operators of storage vessels (which may or may not require continuous recordkeeping, as described in §§ 63.484(k) and 63.1314(a)(9)). Other minor edits are being proposed, to improve the clarity of the subparagraphs under §§ 63.506(d) and 63.1335(d), as explained briefly below.

Sections 63.506(d)(3) and 63.1335(d)(3). Minor edits are being proposed to improve the clarity of these paragraphs. The EPA is proposing to add the phrase ''except as specified in paragraph (d)(7) of this section'' to the requirement to calculate daily average values and batch cycle daily average values as the average of all recorded parameter values, in §§ 63.506(d)(3)(i)

and 63.1335(d)(3)(i). In addition, the EPA is proposing to add the phrase ''for purposes of determining daily average values or batch cycle daily average values of monitored parameters'' to the requirement to establish the source's ''operating day'' in §§ 63.506(d)(3)(ii) and 63.1335(d)(3)(ii).

Sections 63.506(d)(4) and (5) and 63.1335(d)(4) and (5). The EPA is proposing to ''reserve'' these two paragraphs to correct an error in the promulgated rule. In response to public comment, the EPA reduced the burden of the recordkeeping requirements described in paragraph §§ 63.506(d)(2) and 63.1335(d)(2) for the final rule by no longer requiring owners or operators to record 15-minute averages. In promulgating the final rule, the EPA failed to recognize that the promulgated change to §§ 63.506(d)(2) and 63.1335(d)(2) made §§ 63.506(d)(4) and (5) and § 63.1335(d)(4) and (d)(5) unnecessary, because §§ 63.506(d)(2) and 63.1335(d)(2) required the owner or operator to record either each measured data value or block average values for 1 hour or shorter periods calculated from all measured data values during each period. Sections 63.506(a) and 63.1335(a) describe the data retention requirements for subpart U and JJJ affected sources.

Sections 63.506(d)(6) and 63.1335(d)(6). The EPA is proposing to change the heading for paragraphs §§ 63.506(d)(6) and 63.1335(d)(6) to read ''Records required when all recorded values are within the established limits'' instead of ''Records required when all recorded values are in compliance.'' This change is proposed partly because it is not the ''recorded values'' that are in (or out of) compliance, and partly because not all periods when recorded values are outside of established limits are periods of non-compliance (for example, during excused excursions).

Sections 63.506(d)(7) and 63.1335(d)(7). The EPA is proposing to revise these paragraphs to clarify that data recorded during periods of start-up, shutdown, malfunction, or non-operation resulting in cessation of emissions are not excursions and that data recorded during those periods are not to be included in any averages under subpart U or JJJ. The EPA is also requesting comments on the idea of incorporating similar changes into § 63.1439(d)(7) of subpart PPP, the Polyether Polyols Production NESHAP.

Sections 63.506(d)(7)–(10) and 63.1335(d)(7)–(10) (promulgated). The EPA is proposing to remove the requirements that were promulgated as §§ 63.506(d)(8) through (10) and 63.1335(d)(8) through (10) to further reduce the recordkeeping burden associated with subparts U and JJJ, and (in the case of §§ 63.506(d)(9) and 63.1335(d)(9)) to remain consistent with proposed changes to §§ 63.480(b) and 63.1310(b). The concept that was formerly addressed in §§ 63.506(d)(8) and 63.1335(d)(8) is proposed to be incorporated into §§ 63.506(d)(7) and 63.1335(d)(7). The proposed amendments to §§ 63.480(b) and 63.1310(b); 63.480(f) and 63.1310(f); and 63.506(d)(9) and 63.1335(d)(9) allow owners or operators the option of providing ''documents on demand,'' in an effort to reduce the recordkeeping burden associated with subparts U and JJJ.

As discussed previously, the EPA is proposing to move a provision related to continuous monitoring system recordkeeping that was promulgated under §§ 63.506(b)(1)(i)(C) and 63.1335(b)(1)(i)(C) to 63.506(d)(8) and 63.1335(d)(8), respectively. This change is being proposed because the requirement contained in §§ 63.506(b)(1)(i)(C) and 63.1335(b)(1)(i)(C) did not belong in the section on Start-up, Shutdown, and Malfunction Plans.

Finally, the EPA is proposing to add paragraphs (§§ 63.506(d)(9) and 63.1335(d)(9)) which are modified versions of a requirement found in § 63.10(b)(2)(xii) of the General Provisions. This change is being proposed as a further measure to reduce the recordkeeping burden imposed by subparts U and JJJ on owners and operators, by overriding § 63.10(b) generally, while incorporating the necessary recordkeeping requirements from § 63.10(b) into subparts U and JJJ, and omitting those recordkeeping requirements in § 63.10(b) that are not necessary to adequately ensure compliance with subparts U and JJJ.

Sections 63.506(e) and 63.1335(e). The EPA is proposing to make promulgated §§ 63.506(e)(1) and 63.1335(e)(1) into proposed §§ 63.506(e) and 63.1335(e), and to reflect the proposed addition of Table 9 to subparts U and JJJ, which will identify all standard reports required under these subparts, in the proposed language in §§ 63.506(e) and 63.1335(e).

Sections 63.506(e)(1) and 63.1335(e)(1). The EPA is proposing to add a provision under §§ 63.506(e)(1) and 63.1335(e)(1) which would allow for the later submission of any information that is required to be included in a report under §§ 63.506(e) and 63.1335(e). The EPA believes that it is logical and fair to allow owners and operators to submit new information after the due date of a particular report, if the information was not known in time for submission in that report. Proposed paragraphs §§ 63.506(e)(1)(iii) and 63.1335(e)(1)(iii) specify the timeframes and mechanisms available to owners and operators for submitting information for later inclusion in a report.

Sections 63.506(e)(2) and 63.1335(e)(2). The EPA is proposing to edit this paragraph so that it is clear that reports only need to be submitted (for each affected source) to the Administrator at the one, appropriate address listed in § 63.13. As promulgated, §§ 63.506(e)(2) and 63.1335(e)(2) could have been interpreted to mean that all reports had to be sent to all of the addresses listed in § 63.13.

Sections 63.506(e)(3) and 63.1335(e)(3). The EPA is proposing to add two other instances (besides those promulgated) of actions that would require prior approval, to the list of items to be contained in the Precompliance Report. These additional actions include the intent to use engineering assessment (instead of the emission estimation equations) to estimate emissions from a batch emission episode (as described in §§ 63.488(b)(6)(i) and 63.1323(b)(6)(i)); and the intent to include a provision in the Start-up, Shutdown, Malfunction Plan that would allow specific monitors to cease to collect data during a start-up, shutdown, or malfunction, if those monitors would be damaged or destroyed as a result of the start-up, shutdown, or malfunction (proposed under §§ 63.506(e)(3)(viii) and 63.1335(e)(3)(viii)). The rationale for requiring these items in the Precompliance Report has been discussed previously in this Preamble (under ''*Sections 63.506(b)(1) and 63.1335(b)(1).*'')

Sections 63.506(e)(3)(i) and 63.1335(e)(3)(i). The EPA is proposing to add two provisions in paragraphs §§ 63.1335(e)(3)(i) and 63.506(e)(3)(i). The first specifies that if the Administrator does not object to a request submitted in the Precompliance Report within 45 days of receiving such a request, that request will be considered to be ''approved'' by the Administrator. This proposed change would provide a firm date by which the owner or operator would know that the requests in their Precompliance Report have been approved, and will place the burden on the EPA to review these reports and respond promptly if further information is needed. The second specifies that supplements to the Precompliance Report may be submitted. The EPA is also proposing

the addition of §§ 63.506(e)(3)(ix) and 63.1335(e)(3)(ix), to implement this change. As discussed in relation to the proposed changes to paragraphs §§ 63.506(e)(1) and 63.1335(e)(1), the EPA has determined that it is logical and fair to allow owners and operators to submit new information after the due date of a particular report, if the information was not known in time for submission in the original report.

Sections 63.506(e)(3)(ii) and 63.1335(e)(3)(ii). These proposed amendments contain a change to §§ 63.506(e)(3)(ii) and 63.1335(e)(3)(ii) to permit owners and operators to request a compliance extension (as allowed under §§ 63.481(e) or 63.1311(e)), through the Precompliance Report. This proposed change is made to provide consistency with the proposed changes to §§ 63.481(e) and 63.1311(e), which incorporate changes based on the promulgated HON amendments regarding the submittal of compliance extensions.

Sections 63.506(e)(3)(iv) and 63.1315(e)(3)(iv). The EPA proposes to simplify these paragraphs by collapsing their subparagraphs (§§ 63.506(e)(3)(iv)(A) and (B), and 63.1315(e)(3)(iv)(A) and (B)), which were largely redundant with the parent §§ 63.506(e)(3)(iv) and 63.1335(e)(3)(iv), into §§ 63.506(e)(3)(iv) and 63.1335(e)(3)(iv).

Sections 63.506(e)(3)(v) and 63.1335(e)(3)(v). Proposed changes to §§ 63.506(e)(3)(v) and 63.1335(e)(3)(v) clarify the original intent of this paragraph by rearranging the wording of the paragraph. The proposed change clarifies that the Administrator shall determine whether the alternative controls are equivalent, or not equivalent, to the controls required by the standard in accordance with § 63.6(g).

Sections 63.506(e)(3)(vii) and 63.1335(e)(3)(vii). The EPA is proposing to clarify promulgated § 63.1335(e)(3)(vii) (and to add a similar paragraph as § 63.506(e)(3)(vii)), by specifying exactly what needs to be included in the Precompliance Report if an owner or operator intends to establish parameter monitoring levels using engineering assessment and/or manufacturer's recommendations. The promulgated version of § 63.1335(e)(3)(vii) could have been misinterpreted to require the owner or operator to submit the actual parameter monitoring level, which would potentially require completion of performance tests.

Sections 63.506(e)(4) and 63.1335(e)(4). The EPA is proposing several simplifying word changes (e.g., ''must'' has been changed to ''shall'' throughout §§ 63.506(e)(4) and 63.1335(e)(4), for consistency with other sections in subparts U and JJJ) and cross-reference updates throughout §§ 63.506(e)(4) and 63.1335(e)(4). Additional proposed changes to subparagraphs under §§ 63.506(e)(4) and 63.1335(e)(4) are described below.

Sections 63.506(e)(4)(ii)(F)(4) and 63.1335(e)(4)(ii)(F)(4). The EPA is proposing to amend §§ 63.506(e)(4)(ii)(F)(*4*) and 63.1335(e)(4)(ii)(F)(*4*), by cross-referencing the requirements in §§ 63.506(e)(7)(ii) and 63.1335(e)(7)(ii), so that these paragraphs specify how the nominal efficiency is to be reported.

Sections 63.506(e)(4)(ii)(H)(1) and 63.1335(e)(4)(ii)(H)(1). The EPA is proposing to remove the reference to table 14b from the HON, because there is no longer a table 14b in the HON.

Sections 63.506(e)(5) and 63.1335(e)(5). The proposed revisions to this paragraph clarify how owners and operators are expected to handle the different ''Notification of Compliance Status'' reports that will be required for emission points with different compliance dates (such as equipment leaks subject to subpart H of the HON). In all cases, a Notification of Compliance Status is due within 150 days after any particular compliance date (or with the first Periodic Report that is due at least 150 days after the compliance date, for equipment leaks with compliance dates later than July 31, 1997).

Sections 63.506(e)(5)(i)(A) and 63.1335(e)(5)(i)(A). The EPA is proposing to amend §§ 63.506(e)(5)(i)(A) and 63.1335(e)(5)(i)(A), to clarify the phrase ''any other information.'' The proposed change makes clear that ''any other information'' only relates to information from the previous test report and that the information need only be submitted if the Administrator requests that information. This proposed change would relieve industry of the burden of trying to anticipate what ''any other information'' might mean to the EPA.

Sections 63.506(e)(5)(ii) and 63.1335(e)(5)(ii). The EPA is proposing changes to these paragraphs, in order to clarify the differences in recordkeeping and reporting requirements for owners and operators of storage vessels that have elected to conduct continuous parameter monitoring under §§ 63.505 and 63.1334, and to clarify the requirements for owners or operators that have not elected to conduct continuous parameter monitoring for their storage vessels. At promulgation, both subparts U and JJJ were unclear regarding the compliance reporting requirements for owners or operators that have not elected to conduct continuous parameter monitoring for their storage vessels (i.e., the promulgated rules provided no specific requirements for these owners and operators, aside from those that applied to owners and operators conducting continuous monitoring at their storage vessels.)

Sections 63.506(e)(5)(vii), (viii), and (ix) and 63.1335(e)(5)(vi), (vii), and (viii). The EPA is proposing to add cross-references (in §§ 63.506(e)(5)(vii) and (viii) and 63.1335(e)(5)(vi) and (vii)) to the predominant use determination procedures for storage vessels and recovery operations equipment. The proposed changes to §§ 63.506(e)(5)(ix) and 63.1335(e)(5)(viii) update the terminology (e.g., batch mass limitation) in those paragraphs to match changes proposed elsewhere in today's action.

Sections 63.506(e)(5)(x), (xi), and (xii) and 63.1335(e)(5)(ix), (x), and (xi). Proposed §§ 63.506(e)(5)(x) and 63.1335(e)(5)(ix) require owners and operators that are subject to proposed paragraphs §§ 63.481(k) or 63.1311(m) (provisions addressing overlap with other regulations for monitoring, recordkeeping, or reporting for combustion, recovery, or recapture devices) to indicate in the Notification of Compliance Status which applicable rule the owner or operator will follow for testing, monitoring, recordkeeping, and reporting requirements.

Proposed sections 63.506(e)(5)(xi) and 63.1335(e)(5)(x) specify the reporting requirements for owners and operators choosing to comply with § 63.132(g), by transferring a Group 1 wastewater stream to an off-site treatment facility, or to an on-site treatment facility that is not owned or operated by the owner or operator of the affected source.

Finally, the proposed §§ 63.506(e)(5)(xii) and 63.1335(e)(5)(xi) requires owners and operators choosing to implement the reduced recordkeeping program specified in §§ 63.506(h)(1) and 63.1335(h)(1) to notify the Administrator of their election to do so. At promulgation, no distinct reporting requirements were stated for owners and operators taking the actions described above.

Sections 63.506(e)(6) and 63.1335(e)(6). The proposed amendments to this paragraph are intended to assist owners and operators in differentiating the applicable periodic reporting requirements related to subparts U and JJJ and any other subpart which subpart U or JJJ references. Specific Periodic Reporting requirements have been added related to

equipment leaks and heat exchange systems. Further, provisions specifying that monitoring data shall be used to determine compliance for Group 1 emission points and Group 2 emission points included in emissions averages have been added to reflect the HON provisions in § 63.152(c)(2)(ii), after which these paragraphs §§ 63.506(e)(6) and 63.1335(e)(6) were modeled.

Sections 63.506(e)(6)(i) and 63.1335(e)(6)(i). These paragraphs have been changed to clarify that the EPA intended for the ''180-day period'' discussed to equate to a 6-month period. A similar change has been made in subsequent paragraphs where necessary.

Sections 63.506(e)(6)(ii) and 63.1335(e)(6)(ii). These paragraphs have been changed to clarify that the Periodic Report should state that there were no compliance exceptions, as opposed to making the general statement that the affected source was in compliance.

Sections 63.506(e)(6)(iii)(B) and (C), and 63.1335(e)(6)(iii)(B) and (C). The EPA is proposing to clarify, under §§ 63.506(e)(6)(iii)(B) and 63.1335(e)(6)(iii)(B), that for excursions caused by insufficient monitoring data, the owner or operator must include the start-time and duration of any periods when monitoring data were not collected. In addition, the EPA is proposing to ''reserve'' §§ 63.506(e)(6)(iii)(C) and 63.1335(e)(6)(iii)(C), because those paragraphs would be unnecessary and redundant, once the proposed clarification to §§ 63.506(e)(6)(iii)(B) and 63.1335(e)(6)(iii)(B) has been made.

Sections 63.506(e)(6)(iii)(D)(2) and 63.1335(e)(6)(iii)(D)(2). The first part of each of these paragraphs have been rewritten to clarify their intended meaning. The point of confusion was whether or not a report was required for every process change, even those that result in a group status change from Group 1 to Group 2. The clarification states that reports are not required for process changes that result in a group status change from Group 1 to Group 2; however, the owner or operator is required to comply with the Group 1 requirements until notification has been made that the group status has changed from Group 1 to Group 2.

In addition, as was mentioned briefly earlier in this preamble, because the Notification of Compliance Status is the report in which compliance (or non-compliance) is ultimately documented, the EPA has decided that it is not necessary for owners or operators of affected sources to submit a compliance schedule. For this reason, the EPA is proposing to remove the term ''compliance schedule'' throughout both rules (including the titles for §§ 63.481 and 63.1311), and to remove all requirements to report information in a ''compliance schedule'' throughout both rules. In particular, the owner or operator is no longer required to submit a schedule for compliance with the applicable provisions after every process change. The provisions for providing a compliance schedule have also been removed from paragraphs §§ 63.506(e)(6)(iii)(D)(*2*) and 63.1335(e)(6)(iii)(D)(*2*). However, this proposed provision does not override other regulations that might require compliance schedules (e.g., Title V requirements, the Standards of Performance for VOC Emissions from the Polymers Manufacturing Industry, or reasonably available control technology (RACT) standards).

Sections 63.506(e)(6)(iii)(D)(5) and 63.1335(e)(6)(iii)(D)(4). The EPA is proposing to add these paragraphs requiring reports of changes in the identity of treatment facilities receiving wastewater streams under § 63.132(g) of the HON.

Sections 63.506(e)(6)(iv) and 63.1335(e)(6)(iv). These paragraphs were rewritten to clarify the intended meaning. These paragraphs also reflect the change in terminology from ''batch cycle limitation'' to ''batch mass input limitation.''

Sections 63.506(e)(6)(vi) and 63.1335(e)(6)(vi). The EPA is proposing to amend these paragraphs for greater clarity and so that they are consistent with the proposed changes to §§ 63.480(f) and 63.1310(f).

Sections 63.506(e)(6)(vii) and (viii) and 63.1335(e)(6)(vii) and (viii). The EPA is proposing to amend §§ 63.506(e)(6)(vii) and (viii) and 63.1335(e)(6)(vii) and (viii) to replace the term ''belonging to'' with the term ''assigned to'' in order to reflect the changes proposed in §§ 63.480(g) and (h) and 63.1310(g) and (h).

Promulgated §§ 63.506(e)(6)(ix) and 63.1335(e)(6)(ix). The EPA is proposing to remove promulgated §§ 63.506(e)(6)(ix) and 63.1335(e)(6)(ix) to prevent any implication that two separate Periodic Reports are due, when in fact the requirement is for a single report containing information related to both equipment leak components and other emission points.

Proposed §§ 63.506(e)(6)(ix) and (x) and 63.1335(e)(6)(ix) and (x). The EPA is proposing to add §§ 63.506(e)(6)(ix) and (x) and 63.1335(e)(6)(ix) and (x) to include notification requirements already required by the promulgated rules (in §§ 63.506(h)(1) and (2) and 63.1335(h)(1) and (2)), but not previously listed under §§ 63.506(e)(6) and 63.1335(e)(6).

Proposed §§ 63.506(e)(6)(xii) and 63.1335(e)(6)(xii). The EPA is proposing to reorganize and rewrite promulgated §§ 63.506(e)(6)(xi) and 63.1335(e)(6)(xi) as §§ 63.506(e)(6)(xii) and 63.1335(e)(6)(xii). In particular, the EPA is proposing to revise §§ 63.506(e)(6)(xii)(A)(*1*) and 63.1335(e)(6)(xii)(A)(*1*), to state that quarterly reports are required if ''a control or recovery device for a particular emission point or process section'' has more excursions than the number of excused excursions, instead of stating that quarterly reports are required if ''an emission point has any excursions,'' as was done at promulgation.

In addition, the EPA is proposing to move the provision that was proposed under §§ 63.506(e)(6)(xii)(D) and 63.1335(e)(6)(xii)(D), allowing the Administrator to request quarterly reports for emission points or process sections of concern, to §§ 63.506(e)(6)(xii)(A)(*2*) and 63.1335(e)(6)(xii)(A)(*2*). The EPA is also proposing changes to §§ 63.506(e)(6)(xii)(D) and 63.1335(e)(6)(xii)(D), which clarify that, after submitting quarterly reports for one year ''without more excursions occurring (during that year) than the number of excused excursions allowed * * *'' the owner or operator may return to semiannual reporting. The proposed rule simply read ''for 1 year,'' without clarifying that if additional unexcused excursions occurred during that year, the owner or operator would again be required to submit quarterly reports for the year following those most recent, unexcused excursions.

Proposed §§ 63.506(e)(6)(xii)(E) and 63.1335(e)(6)(xii)(E). The EPA is proposing to remove promulgated §§ 63.506(e)(6)(xi)(E) and 63.1335(e)(6)(xi)(E) and to move the statement concerning the use of monitoring data to determine compliance to the introductory paragraphs §§ 63.506(e)(6) and 63.1335(e)(6), because the EPA believes that it is more appropriate to make this statement at the beginning of §§ 63.506(e)(6) and 63.1335(e)(6), than to leave it back in §§ 63.506(e)(6)(xi)(E) and 63.1335(e)(6)(xi)(E). In addition, addressing the issue of monitoring requirements in §§ 63.506(e)(6) and 63.1335(e)(6) allows the EPA to point out that owners and operators of storage vessels to which the provisions of §§ 63.505 or 63.1334 do not apply must instead comply with the requirements laid out in their own individual monitoring plans for those emission

points. The proposed rules were silent on this last point.

Sections 63.506(e)(7)(ii) and 63.1335(e)(7)(ii). The EPA is proposing to add text to §§ 63.506(e)(7)(ii) and 63.1335(e)(7)(ii), clarifying the difference between requests associated with the initial Emissions Averaging Plan and requests made after submittal of the initial Emissions Averaging Plan.

Sections 63.506(e)(7)(iv) and 63.1335(e)(7)(iii). The EPA is proposing to add these paragraphs to include a notification discussed in paragraphs §§ 63.480(f) and 63.1310(f), for owners and operators experiencing a change in primary product at an affected process unit.

Sections 63.506(e)(7)(v) and 63.1335(e)(7)(iv). The EPA is proposing to add these paragraphs to specify the report required when an EPPU/TPPU or emission point(s) is added to an existing affected source under §§ 63.480(i) and 63.1310(i). The promulgated rules did not include specific reporting requirements for such situations. At promulgation, the only reporting requirement associated with the addition of an EPPU/TPPU or an emission point was the requirement that was contained in §§ 63.480(i)(2)(iii) and 63.1310(i)(2)(iii) (both of which the EPA has proposed removing in today's action), pertaining to establishing a new compliance date for the added emission point. As explained earlier during the discussion of that proposed deletion, §§ 63.480(i)(2)(ii) and 63.1310(i)(2)(ii) now specify the compliance dates pertaining to all newly added emission points.

Sections 63.506(g)(3) and 63.1335(g)(3). The EPA is proposing to remove the parenthetical phrase ''for example, once every 15 minutes'' as it relates to records of measurement, since the term ''set frequency'' is sufficiently clear. In addition, the EPA is proposing to edit §§ 63.506(g)(3)(i)(A) and 63.1335(g)(3)(i)(A), to clarify that an operating parameter value reading (but not a record) must be taken at least once during every 15 minute period.

Sections 63.506(h) and 63.1335(h). These paragraphs have been reorganized and rewritten to clarify the intended meaning, by simplifying language, adding cross-references, and giving more specific guidance regarding the retention period for monitoring system descriptions. Changes have also been made to §§ 63.506(h)(1) and 63.1335(h)(1) pointing out that the notification required by these paragraphs must be made in the Notification of Compliance Status or in the next Periodic Report. Further, the EPA is proposing to add paragraphs §§ 63.506(h)(1)(vi)(D) and 63.1335(h)(1)(vi)(D) to describe the recordkeeping requirement for the description of the monitoring system. Under proposed §§ 63.506(h)(1)(vi)(D) and 63.1335(h)(1)(vi)(D), owners and operators are required to retain current descriptions of monitoring systems on-site, or those descriptions may be accessible from a central location by computer or other means that provides access to the description within 2 hours after a request. The proposed requirements also state that all superseded descriptions must be retained for at least 5 years after the date of their creation, although they may be stored off-site once they have been superseded by a more current description for 6 months or more.

2. Changes Unique to Polymers and Resins I

Section 63.506(d)(2). The EPA is proposing to re-structure § 63.506(d)(2) by combining the three subparagraphs into one paragraph (to reduce redundancy). In addition, the EPA is proposing to reduce the recordkeeping burden imposed by the promulgated paragraph § 63.506(d)(2)(iii), by removing the requirement to keep records of all batch cycle averages and batch emission episode averages. As long as a record of each measured data value is maintained, batch cycle averages and batch emission episode averages can always be re-calculated.

Section 63.506(e)(4)(ii)(N). The EPA is proposing to add this provision which should have been included in subpart U at promulgation, and is included in the parallel emissions averaging provisions in the HON and subpart JJJ. The proposed paragraph specifies that emissions from emission points to be included in an emissions average must not result in greater hazard or, at the option of the Administrator, greater risk to human health or the environment than those emissions from those emissions points would have created if they were not included in the emissions average. The purpose of emissions averaging is to give greater flexibility to affected sources in meeting MACT requirements. It was never intended to reduce the level of environmental protection that the standards would otherwise provide.

Section 63.506(e)(4)(iv)(C). The EPA is proposing to add another paragraph that was inadvertently left out of subpart U at promulgation. This proposed paragraph establishes the deadline for submitting an update to an Emissions Averaging Plan.

Section 63.506(e)(5)(iv). The EPA is proposing to ''reserve'' this paragraph, because the requirements in § 63.506(e)(5)(iv) were duplicative of those in § 63.506(e)(5)(ix), in that only owners of Group 2 batch front-end process vents (as opposed to Group 1 batch front-end process vents) are required to determine a limitation for batch front-end process vents.

Section 63.506(e)(6)(iii)(D)(4). The EPA is proposing this change to clarify that notification is only required if a change in the standard operating procedure required by § 63.500 has the potential for increasing the concentration of carbon disulfide in the crumb dryer exhaust.

Section 63.506(e)(7)(iii). This paragraph was rewritten to clarify the intended meaning (i.e., that compliance redetermination reports for back-end processes that have experienced a process change (as described in § 63.499(d)) are due within 180 days after the process change has occurred.)

3. Changes Unique to Polymers and Resins IV

Proposed § 63.1335(b)(1)(i)(C). The EPA is proposing to change this paragraph to be consistent with the HON, after which these provisions are modeled. At promulgation, this paragraph attempted to exempt some Group 2 emission points included in an emissions average from the requirement to keep records related to start-up, shutdown, or malfunction occurrences. However, the HON provisions do not make such a distinction, and the EPA has determined that these records are necessary for all emission points included in an emissions average. Therefore, the EPA is proposing to change this paragraph to reflect the language that appears in the HON provisions ('63.103(c)(3)), as well as in subpart U (proposed (63.506(b)(1)(i)(C)).

Section 63.1335(b)(2). The proposed change to this paragraph corrects an omission made in the promulgated rule. The change specifies that the provisions of § 63.5(d)(1)(iii) do not apply for purposes of this subpart. Section 63.5(d)(1)(iii) discusses Notification of Compliance Status requirements, and the proposed change clarifies that the provisions in this subpart are to be followed with regard to the Notification of Compliance Status.

Promulgated § 63.1335(e)(8)(ii). The EPA is proposing to remove this paragraph to correct an error in the promulgated rule, which was that the promulgated rule required the Notification of Compliance Status to be included in the operating permit application. Because the operating permit application may be submitted well before the Notification of

Compliance Status is due, and because not all of the information required to be submitted in the Notification of Compliance Status is appropriate for submittal in the operating permit application, the EPA is proposing to remove promulgated § 63.1335(e)(8)(ii).

Section 63.1335(g). The EPA is proposing to remove the phrase ''63.1314 for storage vessels'' from this paragraph because storage vessels are not always subject to continuous monitoring, as this phrase might suggest.

R. The Tables

1. Changes Common to Polymers and Resins I and IV

Table 1 of subpart U and Table 1 of subpart JJJ. The EPA is proposing several changes to these tables (which discuss the applicability of the General Provisions to subpart U and subpart JJJ affected sources) in order to clarify the applicability of the General Provisions to these subparts, giving more detail than the promulgated rule did, in many instances. The EPA is also proposing to amend these tables to recognize when the General Provisions are consistent with subparts U and JJJ. For instance, under ''63.1(a)(10),'' these tables formerly stated ''No,'' for applicability to subparts U and JJJ; however, the tables now say ''Yes,'' since the provisions in § 63.1(a)(10) are consistent with the approach taken in subparts U and JJJ. The EPA believed that it might be confusing to owners and operators to read ''No'' under this table, and yet notice that the requirements in § 63.1(a)(10) are consistent with proposed §§ 63.481(m) and 63.1311(o).

In addition, many of the changes proposed for table 1 of subpart U and table 1 of subpart JJJ are corrections. In particular, the EPA neglected to consider the equipment leak provisions in creating the promulgated version of table 1, and the proposed amendments add several exemptions and clarifications of applicability that are related to the equipment leak provisions in subparts U and JJJ. In general, the proposed changes to table 1 incorporate proposed changes to subparts U and JJJ, which have already been discussed in this preamble.

Table 6 in subpart U and Table 7 in subpart JJJ. The EPA is proposing the following changes to these tables: (1) Changing the titles to each table to include ''aggregate batch vent streams''; (2) replacing the terms ''temperature'' and ''pH'' with the term ''value,'' where temperature or pH is not the only parameter being monitored; (3) clarifying that *all* pilot flames at a particular flare must be absent in order to trigger the recordkeeping and reporting requirements in these tables; (4) including ''gas rate'' as a parameter to be monitored for scrubbers for halogenated batch process vents or aggregate batch vent streams; (5) requiring the recording and reporting of the ''liquid/gas ratio'' instead of the ''liquid flow rate'' at scrubbers for halogenated batch process vents or aggregate batch vent streams; and (5) requiring that records be kept of all ''diversions'' rather than ''flow'' and that records and reports be required for all monthly inspections that indicate that a valve was ''in the diverting position'' (rather than ''closed'') or that a seal was ''broken'' (rather than ''changed'').

Table 7 in subpart U and Table 8 of subpart JJJ. The EPA is proposing several clarifying changes and corrections to these two tables. In the proposed amendments to these tables, the proposed parameter monitoring requirements are more specific than the promulgated requirements with regard to flow rates. In particular, the EPA is proposing to replace the term ''total regeneration stream mass flow'' with the term ''total regeneration steam flow or nitrogen flow, or pressure (gauge or absolute).'' In addition, the EPA is proposing a correction under the entry for ''established operating parameters'' for absorbers, by changing ''minimum temperature and minimum specific gravity'' to ''maximum temperature and maximum specific gravity.'' Upon review of this provision, the EPA determined that the promulgated rule incorrectly called for the parameters to be ''minimums'' instead of ''maximums,'' in this instance. The EPA believes this change is necessary because the temperature and specific gravity of the absorbing liquid should be subject to a limit that ensures that the gas will be absorbed by the absorbing liquid.

Table 9 to subpart U and Table 9 to subpart JJJ. The EPA is proposing to add Table 9 to both subparts U and JJJ, to describe the routine reports required under these subparts, along with their general ''due dates.'' These tables are intended to be of assistance to owners or operators, but are not necessarily ''all-inclusive'' of every report that might be required under special circumstances under subpart U or JJJ.

2. Changes Unique to Polymers and Resins I

Table 2 of subpart U. The EPA is proposing one correction to this table. At promulgation, the table stated that §§ 63.102 through 63.109 of subpart F of the HON did not apply to subpart U. However, the promulgated rule (under § 63.502(f)) required that owners and operators comply with the requirements in § 63.104 of the HON for heat exchange systems. Because the latter more accurately represents the EPA's intent (that owners and operators of subpart U affected sources comply with the heat exchange system provisions in § 63.104), the EPA is proposing to edit table 2 to state ''yes'' for § 63.104. A few other cross-reference corrections and updates are also being proposed in this table.

Table 8 to subpart U. For the reasons described above under Section II.D of this notice, the EPA is proposing to change the term ''batch stripper'' to ''a stripper operated in batch mode,'' and to change the term ''continuous stripper'' to ''a stripper operated in continuous mode,'' in table 8 of subpart U.

3. Changes Unique to Polymers and Resins IV

Table 3 of subpart JJJ. Due to potential confusion over the promulgated version of this table, the EPA is proposing to amend it to make it clear that for Group 1 storage vessels at existing polystyrene continuous processes, the vessel capacity and vapor pressure specifications pertain to all chemicals used in those processes. In addition, the EPA is proposing to correct the specification for vessel capacity for these same storage vessels, so that the requirement reads ''<75.7'' cubic meters instead of also listing a lower limit of ''≥38'' cubic meters. The EPA believes that, since the definition of ''storage vessel'' contained in § 63.1312 excludes vessels with capacities smaller than 38 cubic meters, it is unnecessary to note that lower cutoff in this table for storage vessels assigned to existing polystyrene continuous processes.

Table 5 of subpart JJJ. Several technical corrections to Table 5 in subpart JJJ are being proposed. Table 5 describes specifications for Group 1 storage vessels at new affected sources producing particular thermoplastics (e.g., styrene acrylonitrile resin (SAN)). At promulgation, there was a typographical error in the second set of applicability criteria, which applied to SAN Group 1 storage vessels. This set of applicability criteria incorrectly described a storage vessel as having vapor pressure greater than or equal to 0.7 kilopascals and greater than or equal to 10 kilopascals; this should have read ''vapor pressure greater than or equal to 0.7 kilopascals and less than 10 kilopascals.'' However, other technical corrections have removed this set of

applicability criteria from Table 5. Table 5 now indicates three sets of applicability criteria and includes a footnote designating the control level for each set of applicability criteria. At promulgation, two of the sets of criteria for Group 1 storage vessels at SAN new affected sources (i.e., the second and fourth sets) overlapped. As shown below, they covered the same capacity range, and the vapor pressure ranges overlapped:

Capacity ≥ 151 and 0.7 ≤ vapor pressure < 10

Capacity ≥ 151 and vapor pressure ≥ 10

These two sets of applicability criteria have been simplified to the one set of applicability criteria shown below:

Capacity ≥ 151 and vapor pressure ≥ 0.7

The EPA is also proposing to remove the notation ''vp'' from the column including vapor pressure specifications, because that notation was used inconsistently in that column, and because it was unnecessary.

Table 6 of subpart JJJ. At promulgation, two capital letter ''A'''s were inadvertently printed in front of each of the acronyms, where they were defined at the bottom of table 6. The EPA proposes to correct this error in these amendments.

III. Administrative Requirements

A. Docket

The docket is an organized and complete file of all the information considered by the EPA in the development of this proposed rulemaking. The docket is a dynamic file, because material is added throughout the rulemaking development. The docketing system is intended to allow members of the public and industries involved to readily identify and locate documents so that they can effectively participate in the rulemaking process. Along with the proposed and promulgated standards and their preambles, the contents of the docket, with the exception of interagency review materials, will serve as the record in the case of judicial review. (See section 307(d)(7)(A) of the Act.)

B. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the EPA must submit to the Office of Management and Budget (OMB) for review significant regulatory actions. The Executive Order defines ''significant regulatory action'' as one that OMB determines is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

It has been determined that neither the proposed amendments to the Polymers and Resins I rule, nor the proposed amendments to the Polymers and Resins IV rule qualify as a ''significant regulatory action'' under the terms of Executive Order 12866 and, therefore, are not subject to review by the Office of Management and Budget.

C. Executive Order 12875: Enhancing Intergovernmental Partnerships

Under Executive Order 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments, or the EPA consults with those governments. If the EPA complies by consulting those governments, the Executive Order requires the EPA to provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected State, local and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local and tribal governments ''to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.''

Today's proposed amendments to subpart U do not create a mandate on State, local, or tribal governments, nor do the proposed amendments to subpart JJJ. These proposed amendments do not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to the proposed amendments to either of these rules.

D. Executive Order 13084: Consultation and Coordination With Indian Tribal Governments

Under Executive Order 13084, the EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or the EPA consults with those governments. If the EPA complies by consulting with those governments, the Executive Order requires the EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires the EPA to develop an effective process permitting elected and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.''

Neither today's proposed amendments to subpart U nor those to subpart JJJ impose any duties or compliance costs on Indian tribal governments. Further, the proposed amendments provided herein do not significantly alter the control standards imposed by subpart U or subpart JJJ for any source, including any that may affect communities of the Indian tribal governments. Hence, today's proposed amendments do not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to these proposed amendments.

E. Unfunded Mandates Reform Act

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA), requires that the Agency prepare a budgetary impact statement before promulgating a rule that includes a Federal mandate that may result in expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of more than $100 million in any one year. Section 203 requires the Agency to establish a plan for obtaining input from and informing, educating, and advising any small

governments that may be significantly or uniquely affected by the rule.

The EPA has determined that neither the proposed amendments to subpart U nor the proposed amendments to subpart JJJ include a Federal mandate that may result in estimated costs of, in the aggregate, $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector, and that these proposed amendments do not significantly or uniquely impact small governments, because they contain no requirements that apply to such governments or impose obligations upon them. The EPA has not prepared a budgetary impact statement or specifically addressed the selection of the least costly, most cost-effective, or least burdensome alternative. In addition, because small governments will not be significantly or uniquely affected by these rules, the Agency is not required to develop a plan with regard to small governments. Therefore, the requirements of the Unfunded Mandates Act do not apply to these proposed amendments.

F. Regulatory Flexibility

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small business, small not-for-profit enterprises, and small governmental jurisdictions. These proposed amendments would not have a significant impact on a substantial number of small entities, because they impose no additional regulatory requirements on owners or operators of affected sources. Therefore, the EPA certifies that these actions will not have a significant economic impact on a substantial number of small entities.

G. Paperwork Reduction Act

For both the Group I and Group IV Polymers and Resins NESHAP, the information collection requirements (ICR) were submitted to the Office of Management and Budget (OMB) under the *Paperwork Reduction Act.* At promulgation, OMB had already approved the information collection requirements for the Group IV Polymers and Resins NESHAP and assigned those standards the OMB control number 2060–0351. Subsequently, the OMB approved the information collection requirements for the Group I Polymers and Resins NESHAP, and on July 15, 1997 (62 FR 37720) the OMB control number 2060–0356 was assigned to the Group I Polymers and Resins NESHAP. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for the EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15. The EPA has amended 40 CFR Part 9, Section 9.1, to indicate the ICRs contained in the Group I and IV Polymers and Resins NESHAP. The amendments to the NESHAP contained in this proposal should have no impact on the information collection burden estimates made previously. Therefore, the ICRs have not been revised.

H. Applicability of Executive Order 13045

Executive Order 13045: ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997) applies to any rule that (1) is determined to be ''economically significant'' as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that the EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5–501 of the Order has the potential to influence the regulation. These proposed amendments are not subject to Executive Order 13045 because they do not establish an environmental standard intended to mitigate health or safety risks.

I. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA) directs all Federal agencies to use voluntary consensus standards instead of government-unique standards in their regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., material specifications, test methods, sampling and analytical procedures, business practices, etc.) that are developed or adopted by one or more voluntary consensus standards bodies. Examples of organizations generally regarded as voluntary consensus standards bodies include the American Society for Testing and Materials (ASTM), the National Fire Protection Association (NFPA), and the Society of Automotive Engineers (SAE). The NTTAA requires Federal agencies like EPA to provide Congress, through OMB, with explanations when an agency decides not to use available and applicable voluntary consensus standards.

The proposed amendments to subpart U and subpart JJJ do not involve the proposal of any new technical standards. The EPA welcomes comments on this aspect of these proposed amendments and, specifically, invites the public to identify potentially-applicable voluntary consensus standards and to explain why such standards should be used in this regulation.

As part of a larger effort, the EPA is undertaking a project to cross-reference existing voluntary consensus standards on testing, sampling, and analysis, with current and future EPA test methods. When completed, this project will assist the EPA in identifying potentially-applicable voluntary consensus standards which can then be evaluated for equivalency and applicability in determining compliance with future regulations.

List of Subjects in 40 CFR Part 63

Environmental protection, Air pollution control, Hazardous substances, Reporting and recordkeeping requirements.

Dated: February 10, 1999.

Carol M. Browner,

Administrator.

For the reasons set out in the preamble, part 63 of title 40, chapter I of the Code of Federal Regulations is proposed to be amended as follows:

PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

1. The authority citation for part 63 continues to read as follows:

Authority: 42 U.S.C. 7401, *et seq.*

Subpart U—National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins

2. Section 63.480 is amended:

a. By revising paragraphs (a), (b), (c), (d), (e), (f), (g) introductory text, (g)(1) through (g)(4), (g)(6), (g)(7), (g)(8), (h) introductory text, (h)(1) through (h)(4), (h)(6), (h)(7), (i)(1), (i)(2)(i) introductory

text, (i)(2)(i)(A), and (i)(2)(ii), (i)(3), (i)(4), (i)(5), and (j);

b. Removing paragraph (i)(2)(iii); and

c. Adding paragraph (i)(6), to read as follows:

§ 63.480 Applicability and designation of affected sources.

(a) *Definition of affected source.* The provisions of this subpart apply to each affected source. Affected sources are described in paragraphs (a)(1) through (a)(4) of this section.

(1) An affected source is either an existing affected source or a new affected source. Existing affected source is defined in paragraph (a)(2) of this section, and new affected source is defined in paragraph (a)(3) of this section.

(2) An existing affected source is defined as each group of one or more elastomer product process units (EPPU) and associated equipment, as listed in paragraph (a)(4) of this section, that is not part of a new affected source, as defined in paragraph (a)(3) of this section, that is manufacturing the same primary product and that is located at a plant site that is a major source.

(3) A new affected source is defined as something that meets the criteria of paragraph (a)(3)(i), (a)(3)(ii), or (a)(3)(iii) of this section. The situation described in paragraph (a)(3)(i) of this section is distinct from those situations described in paragraphs (a)(3)(ii) and (a)(3)(iii) of this section and from any situation described in paragraph (i) of this section.

(i) At a site without HAP emission points before June 12, 1995 (i.e., a ''greenfield'' site), each group of one or more EPPU and associated equipment, as listed in paragraph (a)(4) of this section, that is manufacturing the same primary product and that is part of a major source on which construction commenced after June 12, 1995;

(ii) A group of one or more EPPU meeting the criteria in paragraph (i)(1)(i) of this section; or

(iii) A reconstructed affected source meeting the criteria in paragraph (i)(2)(i) of this section.

(4) *Emission points and equipment.* The affected source also includes the emission points and equipment specified in paragraphs (a)(4)(i) through (a)(4)(iv) of this section that are associated with each applicable group of one or more EPPU constituting an affected source.

(i) Each waste management unit.

(ii) Maintenance wastewater.

(iii) Each heat exchange system.

(iv) Equipment required by, or utilized as a method of compliance with, this subpart which may include control devices and recovery devices.

(5) EPPUs and associated equipment, as listed in paragraph (a)(4) of this section, that are located at plant sites that are not major sources are neither affected sources nor part of an affected source.

(b) *EPPUs without organic HAP.* The owner or operator of an EPPU that is part of an affected source, as defined in paragraph (a) of this section, but that does not use or manufacture any organic HAP shall comply with the requirements of either paragraph (b)(1) or (b)(2) of this section. Such an EPPU is not subject to any other provision of this subpart and is not required to comply with the provisions of subpart A of this part.

(1) Retain information, data, and analyses used to document the basis for the determination that the EPPU does not use or manufacture any organic HAP. Types of information that could document this determination include, but are not limited to, records of chemicals purchased for the process, analyses of process stream composition, engineering calculations, or process knowledge.

(2) When requested by the Administrator, demonstrate that the EPPU does not use or manufacture any organic HAP.

(c) *Emission points not subject to the provisions of this subpart.* The affected source includes the emission points listed in paragraphs (c)(1) through (c)(9) of this section, but these emission points are not subject to the requirements of this subpart or to the provisions of subpart A of this part.

(1) Equipment that does not contain organic HAP and is located at an EPPU that is part of an affected source;

(2) Stormwater from segregated sewers;

(3) Water from fire-fighting and deluge systems in segregated sewers;

(4) Spills;

(5) Water from safety showers;

(6) Water from testing of deluge systems;

(7) Water from testing of firefighting systems;

(8) Vessels and equipment storing and/or handling material that contains no organic HAP or organic HAP as impurities only; and

(9) Equipment that is intended to operate in organic HAP service for less than 300 hours during the calendar year.

(d) *Processes exempted from the affected source.* Research and development facilities are exempted from the affected source.

(e) *Applicability determination of elastomer equipment included in a process unit producing a non-elastomer product.* If an elastomer product that is subject to this subpart is produced within a process unit that is subject to subpart JJJ of this part, and at least 50 percent of the elastomer is used in the production of the product manufactured by the subpart JJJ process unit, the unit operations involved in the production of the elastomer are considered part of the process unit that is subject to subpart JJJ, and not this subpart.

(f) *Primary product determination and applicability.* An owner or operator of a process unit that produces or plans to produce an elastomer product shall determine if the process unit is subject to this subpart in accordance with this paragraph. The owner or operator shall initially determine whether a process unit is designated as an EPPU and subject to the provisions of this subpart in accordance with either paragraph (f)(1) or (f)(2) of this section. The owner or operator of a flexible operation unit that was not initially designated as an EPPU, but in which an elastomer product is produced, shall conduct an annual re-determination of the applicability of this subpart in accordance with paragraph (f)(3) of this section. Owners or operators that anticipate the production of an elastomer product in a process unit that was not initially designated as an EPPU, and in which no elastomer products are currently produced, shall determine if the process unit is subject to this subpart in accordance with paragraph (f)(4) of this section. Paragraphs (f)(3) and (f)(5) through (f)(7) of this section discuss compliance only for flexible operation units. Other paragraphs apply to all process units, including flexible operation units, unless otherwise noted. Paragraph (f)(8) of this section contains reporting requirements associated with the applicability determinations. Paragraphs (f)(9) and (f)(10) describe criteria for removing the EPPU designation from a process unit.

(1) *Initial Determination.* The owner or operator shall initially determine if a process unit is subject to the provisions of this subpart based on the primary product of the process unit in accordance with paragraphs (f)(1)(i) through (iii) of this section. If the process unit never uses or manufactures any organic HAP, regardless of the outcome of the primary product determination, the only requirements of this subpart that might apply to the process unit are contained in paragraph (b) of this section. If a flexible operation unit does not use or manufacture any organic HAP during the manufacture of one or more products, paragraph (f)(5)(i) of this section applies to that flexible operation unit.

(i) If a process unit only manufactures one product, then that product shall represent the primary product of the process unit.

(ii) If a process unit produces more than one intended product at the same time, the primary product shall be determined in accordance with paragraph (f)(1)(ii)(A) or (B) of this section.

(A) The product for which the process unit has the greatest annual design capacity on a mass basis shall represent the primary product of the process unit, or

(B) If a process unit has the same maximum annual design capacity on a mass basis for two or more products, and if one of those products is an elastomer product, then the elastomer product shall represent the primary product of the process unit.

(iii) If a process unit is designed and operated as a flexible operation unit, the primary product shall be determined as specified in paragraphs (f)(1)(iii)(A) or (B) of this section based on the anticipated operations for the 5 years following September 5, 1996 at existing process units, or for the first year after the process unit begins production of any product for new process units. If operations cannot be anticipated sufficiently to allow the determination of the primary product for the specified period, applicability shall be determined in accordance with paragraph (f)(2) of this section.

(A) If the flexible operation unit will manufacture one product for the greatest operating time over the specified five year period for existing process units, or the specified one year period for new process units, then that product shall represent the primary product of the flexible operation unit.

(B) If the flexible operation unit will manufacture multiple products equally based on operating time, then the product with the greatest expected production on a mass basis over the specified five year period for existing process units, or the specified one year period for new process units shall represent the primary product of the flexible operation unit.

(iv) If, according to paragraph (f)(1)(i), (ii), or (iii) of this section, the primary product of a process unit is an elastomer product, then that process unit shall be designated as an EPPU. That EPPU and associated equipment, as listed in paragraph (a)(4) of this section, is either an affected source, or part of an affected source comprised of other EPPU and associated equipment, as listed in paragraph (a)(4) of this section, subject to this subpart with the same primary product at the same plant site that is a major source. If the primary product of a process unit is determined to be a product that is not an elastomer product, then that process unit is not an EPPU.

(2) If the primary product cannot be determined for a flexible operation unit in accordance with paragraph (f)(1)(iii) of this section, applicability shall be determined in accordance with this paragraph.

(i) If the owner or operator cannot determine the primary product in accordance with paragraph (f)(1)(iii) of this section, but can determine that an elastomer product is not the primary product, then that flexible operation unit is not an EPPU.

(ii) If the owner or operator cannot determine the primary product in accordance with paragraph (f)(1)(iii) of this section, and cannot determine that an elastomer product is not the primary product as specified in paragraph (f)(2)(i) of this section, applicability shall be determined in accordance with paragraph (f)(2)(ii)(A) or (f)(2)(ii)(B) of this section.

(A) If the flexible operation unit is an existing process unit, the flexible operation unit shall be designated as an EPPU if an elastomer product was produced for 5 percent or greater of the total operating time of the flexible operation unit since March 9, 1999. That EPPU and associated equipment, as listed in paragraph (a)(4) of this section, is either an affected source, or part of an affected source comprised of other EPPU and associated equipment, as listed in paragraph (a)(4) of this section, subject to this subpart with the same primary product at the same plant site that is a major source. For a flexible operation unit that is designated as an EPPU in accordance with this paragraph, the elastomer product produced for the greatest amount of time since March 9, 1999 shall be designated as the primary product of the EPPU.

(B) If the flexible operation unit is a new process unit, the flexible operation unit shall be designated as an EPPU if the owner or operator anticipates that an elastomer product will be manufactured in the flexible operation unit at any time in the first year after the date the unit begins production of any product. That EPPU and associated equipment, as listed in paragraph (a)(4) of this section, is either an affected source, or part of an affected source comprised of other EPPU and associated equipment, as listed in paragraph (a)(4) of this section, subject to this subpart with the same primary product at the same plant site that is a major source. For a process unit that is designated as an EPPU in accordance with this paragraph, the elastomer product that will be produced shall be designated as the primary product of the EPPU. If more than one elastomer product will be produced, the owner or operator may select which elastomer product is designated as the primary product.

(3) *Annual Applicability Determination for non-EPPUs that have produced an elastomer product.* Once per year beginning September 5, 2001, the owner or operator of each flexible operation unit that is not designated as an EPPU, but that has produced an elastomer product at any time in the preceding five-year period or since the date that the unit began production of any product, whichever is shorter, shall perform the evaluation described in paragraphs (f)(3)(i) through (f)(3)(iii) of this section.

(i) For each product produced in the flexible operation unit, the owner or operator shall calculate the percentage of total operating time over which the product was produced during the preceding five-year period.

(ii) The owner or operator shall identify the primary product as the product with the highest percentage of total operating time for the preceding five-year period.

(iii) If the primary product identified in paragraph (f)(3)(ii) is an elastomer product, the flexible operation unit shall be designated as an EPPU. The owner or operator shall notify the Administrator no later than 45 days after determining that the flexible operation unit is an EPPU, and shall comply with the requirements of this subpart in accordance with paragraph (i)(1) of this section for the flexible operation unit.

(4) *Applicability determination for non-EPPUs that have not produced an elastomer product.* The owner or operator that anticipates the production of an elastomer product in a process unit that is not designated as an EPPU, and in which no elastomer products have been produced in the previous 5 year period or since the date that the process unit began production of any product, whichever is shorter, shall determine if the process unit is subject to this subpart in accordance with paragraphs (f)(4)(i) and (ii) of this section. Also, owners or operators who have notified the Administrator that a process unit is not an EPPU in accordance with paragraph (f)(9) of this section, that now anticipate the production of an elastomer product in the process unit, shall determine if the process unit is subject to this subpart in accordance with paragraphs (f)(4)(i) and (ii) of this section.

(i) The owner or operator shall use the procedures in paragraph (f)(1) or (f)(2) of this section to determine if the process unit is designated as an EPPU, with the following exception: for existing process units that are determining the primary product in accordance with paragraph (f)(1)(iii) of this section, or that are determining applicability in accordance with paragraph (f)(2) of this section, production shall be projected for the five years following the date that the owner or operator anticipates initiating the production of an elastomer product, instead of the five years following September 5, 1996.

(ii) If the unit is designated as an EPPU in accordance with paragraph (f)(4)(i) of this section, the owner or operator shall comply in accordance with paragraph (i)(1) of this section.

(5) *Compliance for flexible operation units.* Owners or operators of EPPUs that are flexible operation units shall comply with the standards specified for the primary product, with the exceptions provided in paragraphs (f)(5)(i) and (f)(5)(ii) of this section.

(i) Whenever a flexible operation unit manufactures a product in which no organic HAP is used or manufactured, the owner or operator is only required to comply with either paragraph (b)(1) or (b)(2) of this section to demonstrate compliance for activities associated with the manufacture of that product. This subpart does not require compliance with the provisions of subpart A of this part for activities associated with the manufacture of a product that meets the criteria of paragraph (b) of this section.

(ii) Whenever a flexible operation unit manufactures a product that makes it subject to subpart GGG of this part, the owner or operator is not required to comply with the provisions of this subpart during the production of that product.

(6) Owners or operators of EPPUs that are flexible operation units have the option of determining the group status of each emission point associated with the flexible operation unit, in accordance with either paragraph (f)(6)(i) or (f)(6)(ii) of this section, with the exception of batch front-end process vents. For batch front-end process vents, the owner or operator shall determine the group status in accordance with § 63.488.

(i) The owner or operator may determine the group status of each emission point based on emission point characteristics when the primary product is being manufactured.

(ii) The owner or operator may determine the group status of each emission point separately for each product produced by the flexible operation unit. For each product, the group status shall be determined using the emission point characteristics when that product is being manufactured and using the Group 1 criteria specified for the primary product.

Note: Under this scenario, it is possible that the group status, and therefore the requirement to achieve emission reductions, for an emission point may change depending on the product being manufactured.

(7) Owners or operators determining the group status of emission points in flexible operation units based solely on the primary product in accordance with paragraph (f)(6)(i) of this section shall establish parameter monitoring levels, as required, in accordance with either paragraph (f)(7)(i) or (f)(7)(ii) of this section. Owners or operators determining the group status of emission points in flexible operation units based on each product in accordance with paragraph (f)(6)(ii) of this section shall establish parameter monitoring levels, as required, in accordance with paragraph (f)(7)(i) of this section.

(i) Establish separate parameter monitoring levels in accordance with § 63.505(a) for each individual product.

(ii) Establish a single parameter monitoring level (for each parameter required to be monitored at each device subject to monitoring requirements) in accordance with § 63.505(a) that would apply for all products.

(8) *Reporting requirements.* When it is determined that a process unit is an EPPU and subject to the requirements of this subpart, the Notification of Compliance Status required by § 63.506(e)(5) shall include the information specified in paragraphs (f)(8)(i) and (f)(8)(ii) of this section, as applicable. If it is determined that the process unit is not subject to this subpart, the owner or operator shall either retain all information, data, and analysis used to document the basis for the determination that the primary product is not an elastomer product, or, when requested by the Administrator, demonstrate that the process unit is not subject to this subpart.

(i) If the EPPU manufactures only one elastomer product, identification of that elastomer product.

(ii) If the EPPU is designed and operated as a flexible operation unit, the information specified in paragraphs (f)(8)(ii)(A) through (f)(8)(ii)(D) of this section, as appropriate, shall be submitted.

(A) If a primary product could be determined, identification of the primary product.

(B) Identification of which compliance option, either paragraph (f)(6)(i) or (f)(6)(ii) of this section, has been selected by the owner or operator.

(C) If the option to establish separate parameter monitoring levels for each product in paragraph (f)(7)(i) of this section is selected, the identification of each product and the corresponding parameter monitoring level.

(D) If the option to establish a single parameter monitor level in paragraph (f)(7)(ii) of this section is selected, the parameter monitoring level for each parameter.

(9) *EPPUs terminating production of all elastomer products.* If an EPPU terminates the production of all elastomer products and does not anticipate the production of any elastomer products in the future, the process unit is no longer an EPPU and is not subject to this subpart after notification is made to the Administrator. This notification shall be accompanied by a rationale for why it is anticipated that no elastomer products will be produced in the process unit in the future.

(10) *Redetermination of applicability to EPPUs that are flexible operation units.* Whenever changes in production occur that could reasonably be expected to change the primary product of an EPPU that is operating as a flexible operation unit from an elastomer product to a product that would make the process unit subject to another subpart of this part, the owner or operator shall re-evaluate the status of the process unit as an EPPU in accordance with paragraphs (f)(10)(i) through (iii) of this section.

(i) For each product produced in the flexible operation unit, the owner or operator shall calculate the percentage of total operating time in which the product was produced for the preceding five-year period, or since the date that the process unit began production of any product, whichever is shorter.

(ii) The owner or operator shall identify the primary product as the product with the highest percentage of total operating time for the period.

(iii) If the conditions in (f)(10)(iii)(A) through (C) of this section are met, the flexible operation unit shall no longer be designated as an EPPU after the compliance date of the other subpart and shall no longer be subject to the provisions of this subpart after the date that the process unit is required to be in compliance with the provisions of the other subpart of this part to which it is subject. If the conditions in paragraphs (f)(10)(iii)(A) through (C) of this section are not met, the flexible operation unit shall continue to be considered an EPPU

and subject to the requirements of this subpart.

(A) The product identified in (f)(10)(ii) of this section is not an elastomer product; and

(B) The production of the product identified in (f)(10)(ii) of this section is subject to another subpart of this part; and

(C) The owner or operator submits a notification to the Administrator of the pending change in applicability.

(g) *Storage vessel ownership determination.* The owner or operator shall follow the procedures specified in paragraphs (g)(1) through (g)(7) of this section to determine to which process unit a storage vessel shall be assigned. Paragraph (g)(8) of this section specifies when an owner or operator is required to redetermine to which process unit a storage vessel is assigned.

(1) If a storage vessel is already subject to another subpart of 40 CFR part 63 on September 5, 1996, that storage vessel shall be assigned to the process unit subject to the other subpart.

(2) If a storage vessel is dedicated to a single process unit, the storage vessel shall be assigned to that process unit.

(3) If a storage vessel is shared among process units, then the storage vessel shall be assigned to that process unit located on the same plant site as the storage vessel that has the greatest input into or output from the storage vessel (i.e., the process unit that has the predominant use of the storage vessel.)

(4) If predominant use cannot be determined for a storage vessel that is shared among process units and if only one of those process units is an EPPU subject to this subpart, the storage vessel shall be assigned to that EPPU.

* * * * *

(6) If the predominant use of a storage vessel varies from year to year, then predominant use shall be determined based on the utilization that occurred during the year preceding September 5, 1996 or based on the expected utilization for the 5 years following September 5, 1996, whichever is more representative of the expected operations for that storage vessel for existing affected sources, and based on the expected utilization for the first 5 years after initial start-up for new affected sources. The determination of predominant use shall be reported in the Notification of Compliance Status, as required by § 63.506(e)(5)(vii).

(7) Where a storage vessel is located at a major source that includes one or more process units which place material into, or receive materials from the storage vessel, but the storage vessel is located in a tank farm (including a marine tank farm), the applicability of this subpart shall be determined according to the provisions in paragraphs (g)(7)(i) through (g)(7)(iv) of this section.

(i) The storage vessel may only be assigned to a process unit that utilizes the storage vessel and does not have an intervening storage vessel for that product (or raw material, as appropriate). With respect to any process unit, an intervening storage vessel means a storage vessel connected by hard-piping both to the process unit and to the storage vessel in the tank farm so that product or raw material entering or leaving the process unit flows into (or from) the intervening storage vessel and does not flow directly into (or from) the storage vessel in the tank farm.

(ii) If there is no process unit at the major source that meets the criteria of paragraph (g)(7)(i) of this section with respect to a storage vessel, this subpart does not apply to the storage vessel.

(iii) If there is only one process unit at the major source that meets the criteria of paragraph (g)(7)(i) of this section with respect to a storage vessel, the storage vessel shall be assigned to that process unit. Applicability of this subpart to the storage vessel shall then be determined according to the provisions of paragraph (a) of this section.

(iv) If there are two or more process units at the major source that meet the criteria of paragraph (g)(7)(i) of this section with respect to a storage vessel, the storage vessel shall be assigned to one of those process units according to the provisions of paragraphs (g)(3) through (g)(6) of this section. The predominant use shall be determined among only those process units that meet the criteria of paragraph (g)(7)(i) of this section.

(8) If the storage vessel begins receiving material from (or sending material to) a process unit that was not included in the initial determination, or ceases to receive material from (or send material to) a process unit that was included in the initial determination, the owner or operator shall reevaluate the applicability of this subpart to that storage vessel.

(h) *Recovery operations equipment ownership determination.* The owner or operator shall follow the procedures specified in paragraphs (h)(1) through (h)(6) of this section to determine to which process unit recovery operations equipment shall be assigned. Paragraph (h)(7) of this section specifies when an owner or operator is required to redetermine to which process unit the recovery operations equipment is assigned.

(1) If recovery operations equipment is already subject to another subpart of 40 CFR part 63 on September 5, 1996, that recovery operations equipment shall be assigned to the process unit subject to the other subpart.

(2) If recovery operations equipment is dedicated to a single process unit, the recovery operations equipment shall be assigned to that process unit.

(3) If recovery operations equipment is shared among process units, then the recovery operations equipment shall be assigned to that process unit located on the same plant site as the recovery operations equipment that has the greatest input into or output from the recovery operations equipment (i.e., that process unit has the predominant use of the recovery operations equipment).

(4) If predominant use cannot be determined for recovery operations equipment that is shared among process units and if one of those process units is an EPPU subject to this subpart, the recovery operations equipment shall be assigned to the EPPU subject to this subpart.

* * * * *

(6) If the predominant use of recovery operations equipment varies from year to year, then the predominant use shall be determined based on the utilization that occurred during the year preceding September 5, 1996 for existing affected sources or based on the expected utilization for the 5 years following September 5, 1996 for existing affected sources, whichever is the more representative of the expected operations for the recovery operations equipment, and based on the expected utilization for the first 5 years after initial start-up for new affected sources. The determination of predominant use shall be reported in the Notification of Compliance Status, as required by § 63.506(e)(5)(viii).

(7) If a piece of recovery operations equipment begins receiving material from a process unit that was not included in the initial determination, or ceases to receive material from a process unit that was included in the initial determination, the owner or operator shall reevaluate the applicability of this subpart to that recovery operations equipment.

(i) *Changes or additions to plant sites.* The provisions of paragraphs (i)(1) through (i)(4) of this section apply to owners or operators that change or add to their plant site or affected source. Paragraph (i)(5) provides examples of what are and are not considered process changes for purposes of paragraph (i) of

this section. Paragraph (i)(6) of this section discusses reporting requirements.

(1) *Adding an EPPU to a plant site.* The provisions of paragraphs (i)(1)(i) and (i)(1)(ii) of this section apply to owners or operators that add one or more EPPUs to a plant site.

(i) If a group of one or more EPPUs that produce the same primary product is added to a plant site, the group of one or more EPPUs and associated equipment, as listed in paragraph (a)(4) of this section, shall be a new affected source and shall comply with the requirements for a new affected source in this subpart upon initial start-up or by September 5, 1996, whichever is later, if the criteria specified in either paragraph (i)(1)(i)(A) or (i)(1)(i)(B) are met, and if the criteria in either paragraph (i)(1)(i)(C) or (i)(1)(i)(D) of this section are met.

(A) The construction of the group of one or more EPPUs commenced after June 12, 1995.

(B) The construction or reconstruction, for process units that have become EPPUs, commenced after June 12, 1995.

(C) The group of one or more EPPUs and associated equipment, as listed in paragraph (a)(4) of this section, 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, and the primary product of the group of one or more EPPUs is currently produced at the plant site as the primary product of an affected source; or

(D) The primary product of the group of one or more EPPUs is not currently produced at the plant site as the primary product of an affected source, and the plant site meets, or after the addition of the group of one or more EPPUs and associated equipment, as listed in paragraph (a)(4) of this section, will meet the definition of a major source.

(ii) If a group of one or more EPPUs that produce the same primary product is added to a plant site, and the group of one or more EPPUs does not meet the criteria specified in paragraph (i)(1)(i) of this section, and the plant site meets, or after the addition will meet, the definition of a major source, the group of one or more EPPUs and associated equipment, as listed in paragraph (a)(4) of this section, shall comply with the requirements for an existing affected source in this subpart upon initial start-up; by September 5, 1999; or by 6 months after notifying the Administrator that a process unit has been designated as an EPPU (in accordance with paragraph (f)(3)(iii) of this section), whichever is later.

(2) * * *

(i) If any process change or addition is made to an existing affected source and that process change or addition meets the criteria specified in paragraphs (i)(2)(i)(A) through (i)(2)(i)(B) of this section, the entire affected source shall be a new affected source and shall comply with the requirements for a new affected source in this subpart upon initial start-up or by September 5, 1996, whichever is later.

(A) It is a process change or addition that meets the definition of reconstruction in § 63.482(b); and

* * * * *

(ii) If any process change is made that results in one or more Group 1 emission points (i.e., either newly created Group 1 emission points or emission points that change group status from Group 2 to Group 1) or if any other emission point is added to an existing affected source (i.e., Group 2 emission point(s) or equipment leaks components subject to § 63.502) and the process change or addition does not meet the criteria specified in paragraphs (i)(2)(i)(A) and (i)(2)(i)(B) of this section, the resulting emission point(s) shall be subject to the requirements for an existing affected source in this subpart. The resulting emission point(s) shall be in compliance upon initial start-up or by the appropriate compliance date specified in § 63.481 (i.e., July 31, 1997 for most equipment leak components subject to § 63.502, and September 5, 1999 for emission points other than equipment leaks), whichever is later.

(3) *Existing affected source requirements for surge control vessels and bottoms receivers that become subject to subpart H requirements.* If a process change or the addition of an emission point causes a surge control vessel or bottoms receiver to become subject to § 63.170 under this paragraph (i), the owner or operator shall be in compliance upon initial start-up or by September 5, 1999, whichever is later.

(4) *Existing affected source requirements for compressors that become subject to subpart H requirements.* If a process change or the addition of an emission point causes a compressor to become subject to § 63.164 under this paragraph (i), the owner or operator shall be in compliance upon initial start-up or by the compliance date for that compressor, as specified in § 63.481(d), whichever is later.

(5) *Determining what are and are not process changes.* For purposes of paragraph (i) of this section, examples of process changes include, but are not limited to, changes in feedstock type or catalyst type, or whenever there is a replacement, removal, or addition of recovery equipment, or changes that increase production capacity. For purposes of paragraph (i) of this section, 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 report required by § 63.506(e)(5).

(6) *Reporting requirements for owners or operators that change or add to their plant site or affected source.* Owners or operators that change or add to their plant site or affected source, as discussed in paragraphs (i)(1) and (i)(2) of this section, shall submit a report as specified in § 63.506(e)(7)(v).

(j) *Applicability of this subpart during periods of start-up, shutdown, malfunction, or non-operation.* Paragraphs (j)(1) through (j)(4) of this section shall be followed during periods of start-up, shutdown, malfunction, or non-operation of the affected source or any part thereof.

(1) The emission limitations set forth in this subpart and the emission limitations referred to in this subpart shall apply at all times except during periods of non-operation of the affected source (or specific portion thereof) resulting in cessation of the emissions to which this subpart applies. The emission limitations of this subpart and the emission limitations referred to in this subpart shall not apply during periods of start-up, shutdown, or malfunction. During periods of start-up, shutdown, or malfunction, the owner or operator shall follow the applicable provisions of the start-up, shutdown, and malfunction plan required by § 63.6(e)(3). However, if a start-up, shutdown, malfunction, or period of non-operation of one portion of an affected source does not affect the ability of a particular emission point to comply with the emission limitations to which it is subject, then that emission point shall still be required to comply with the applicable emission limitations of this subpart during the start-up, shutdown, malfunction, or period of non-operation. For example, if there is an overpressure in the reactor area, a storage vessel that is part of the affected source would still be required to be controlled in accordance with the emission limitations in § 63.484. Similarly, the degassing of a storage vessel would not affect the ability of a batch front-end process vent to meet the emission limitations of §§ 63.486 through 63.492.

(2) The emission limitations set forth in subpart H of this part, as referred to

in § 63.502, shall apply at all times except during periods of non-operation of the affected source (or specific portion thereof) in which the lines are drained and depressurized resulting in cessation of the emissions to which § 63.502 applies, or during periods of start-up, shutdown, malfunction, or process unit shutdown (as defined in § 63.161).

(3) The owner or operator shall not shut down items of equipment that are required or utilized for compliance with this subpart during periods of start-up, shutdown, or malfunction during times when emissions (or, where applicable, wastewater streams or residuals) are being routed to such items of equipment if the shutdown would contravene requirements of this subpart applicable to such items of equipment. This paragraph does not apply if the item of equipment is malfunctioning. This paragraph also does not apply if the owner or operator shuts down the compliance equipment (other than monitoring systems) to avoid damage due to a contemporaneous start-up, shutdown, or malfunction of the affected source or portion thereof. If the owner or operator has reason to believe that monitoring equipment would be damaged due to a contemporaneous start-up, shutdown, or malfunction of the affected source or portion thereof, the owner or operator shall provide documentation supporting such a claim in the Precompliance Report or in a supplement to the Precompliance Report, as provided for in § 63.506(e)(3). Once approved by the Administrator in accordance with § 63.506(e)(3)(viii), the provision for ceasing to collect, during a start-up, shutdown, or malfunction, monitoring data that would otherwise be required by the provisions of this subpart must be incorporated into the start-up, shutdown, malfunction plan for that affected source, as stated in § 63.506(b)(1).

(4) During start-ups, shutdowns, and malfunctions when the emission limitations of this subpart do not apply pursuant to paragraphs (j)(1) through (j)(3) of this section, the owner or operator shall implement, to the extent reasonably available, measures to prevent or minimize excess emissions to the extent practical. For purposes of this paragraph, the term ''excess emissions'' means emissions in excess of those that would have occurred if there were no start-up, shutdown, or malfunction and the owner or operator complied with the relevant provisions of this subpart. The measures to be taken shall be identified in the applicable start-up, shutdown, and malfunction plan, and may include, but are not limited to, air pollution control technologies, recovery technologies, work practices, pollution prevention, monitoring, and/or changes in the manner of operation of the affected source. Back-up control devices are not required, but may be used if available.

3. Section 63.481 is amended by:

a. Revising the section title and paragraphs (a), (b), (c), (d) introductory text, (d)(1) introductory text, (d)(2) introductory text, (d)(2)(i), (d)(2)(ii), (d)(2)(iv), (d)(3), (d)(4) introductory text, (d)(5), (d)(6), (e), (h)(2), (i), and (j); and

b. Adding paragraphs (k), (l), and (m), to read as follows:

§ 63.481 Compliance dates and relationship of this subpart to existing applicable rules.

(a) Affected sources are required to achieve compliance on or before the dates specified in paragraphs (b) through (d) of this section. Paragraph (e) of this section provides information on requesting compliance extensions. Paragraphs (f) through (l) of this section discuss the relationship of this subpart to subpart A and to other applicable rules. Where an override of another authority of the Act is indicated in this subpart, only compliance with the provisions of this subpart is required. Paragraph (m) of this section specifies the meaning of time periods.

(b) New affected sources that commence construction or reconstruction after June 12, 1995 shall be in compliance with this subpart upon initial start-up or September 5, 1996, whichever is later, as provided in § 63.6(b).

(c) Existing affected sources shall be in compliance with this subpart (except for § 63.502 for which compliance is covered by paragraph (d) of this section) no later than September 5, 1999, as provided in § 63.6(c), unless an extension has been granted as specified in paragraph (e) of this section.

(d) Except as provided for in paragraphs (d)(1) through (d)(6) of this section, existing affected sources shall be in compliance with § 63.502 no later than July 31, 1997, unless an extension has been granted pursuant to paragraph (e) of this section.

(1) Compliance with the compressor provisions of § 63.164 shall occur no later than September 5, 1997 for any compressor meeting one or more of the criteria in paragraphs (d)(1)(i) through (d)(1)(iv) of this section, if the work can be accomplished without a process unit shutdown, as defined in § 63.161.

* * * * *

(2) Compliance with the compressor provisions of § 63.164 shall occur no later than March 5, 1998, for any compressor meeting all the criteria in paragraphs (d)(2)(i) through (d)(2)(iv) of this section.

(i) The compressor meets one or more of the criteria specified in paragraphs (d)(1)(i) through (d)(1)(iv) of this section;

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

* * * * *

(iv) The owner or operator submits the request for a compliance extension to the appropriate U.S. Environmental Protection Agency (EPA) Regional Office at the address listed in § 63.13 no later than 45 days before the compliance date. The request for a compliance extension shall contain the information specified in § 63.6(i)(6)(i)(A), (B), and (D). Unless the EPA Regional Office objects to the request for a compliance extension within 30 days after receipt of the request, the request shall be deemed approved.

(3) If compliance with the compressor provisions of § 63.164 cannot reasonably be achieved without a process unit shutdown, the owner or operator shall achieve compliance no later than September 5, 1998. The owner or operator who elects to use this provision shall submit a request for an extension of compliance in accordance with the requirements of paragraph (d)(2)(iv) of this section.

(4) Compliance with the compressor provisions of § 63.164 shall occur no later than September 5, 1999 for any compressor meeting one or more of the criteria in paragraphs (d)(4)(i) through (d)(4)(iii) of this section. The owner or operator who elects to use these provisions shall submit a request for an extension of compliance in accordance with the requirements of paragraph (d)(2)(iv) of this section.

* * * * *

(5) Compliance with the surge control vessel and bottoms receiver provisions of § 63.170 shall occur no later than September 5, 1999.

(6) Compliance with the heat exchange system provisions of § 63.104 shall occur no later than September 5, 1999.

(e) Pursuant to section 112(i)(3)(B) of the Act, an owner or operator may request an extension allowing the existing affected source up to 1 additional year to comply with section 112(d) standards. For purposes of this subpart, a request for an extension shall be submitted to the permitting authority as part of the operating permit application, or to the Administrator as a separate submittal or as part of the Precompliance Report. Requests for

extensions shall be submitted no later than 120 days prior to the compliance dates specified in paragraphs (b) through (d) of this section, except as provided in paragraph (e)(3) of this section. The dates specified in § 63.6(i) for submittal of requests for extensions shall not apply to this subpart.

(1) A request for an extension of compliance shall include the data described in § 63.6(i)(6)(i)(A), (B), and (D).

(2) The requirements in §§ 63.6(i)(8) through 63.6(i)(14) shall govern the review and approval of requests for extensions of compliance with this subpart.

(3) An owner or operator may submit a compliance extension request after the date specified in paragraph (e) of this section, provided that the need for the compliance extension arose after that date, and the need arose due to circumstances beyond reasonable control of the owner or operator. This request shall include, in addition to the information specified in paragraph (e)(1) of this section, a statement of the reasons additional time is needed and the date when the owner or operator first learned of the circumstances necessitating a request for a compliance extension under this paragraph (e)(3).

* * * * *

(h) * * *

(2) Sources subject to 40 CFR part 63, subpart I that have elected to comply through a quality improvement program, as specified in § 63.175 or § 63.176 or both, may elect to continue these programs without interruption as a means of complying with this subpart. In other words, becoming subject to this subpart does not restart or reset the ''compliance clock'' as it relates to reduced burden earned through a quality improvement program.

(i) After the compliance dates specified in this section, a storage vessel that is assigned to an affected source subject to this subpart and that is also subject to the provisions of 40 CFR part 60, subpart Kb is required to comply only with the provisions of this subpart. After the compliance dates specified in this section, that storage vessel shall no longer be subject to 40 CFR part 60, subpart Kb.

(j) After the compliance dates specified in this section, an affected source subject to this subpart that is also subject to the provisions of 40 CFR part 60, subpart VV, is required to comply only with the provisions of this subpart. After the compliance dates specified in this section, the source shall no longer be subject to 40 CFR part 60, subpart VV.

(k) *Applicability of other regulations for monitoring, recordkeeping or reporting with respect to combustion devices, recovery devices, or recapture devices.* After the compliance dates specified in this subpart, if any combustion device, recovery device or recapture device subject to this subpart is also subject to monitoring, recordkeeping, and reporting requirements in 40 CFR part 264 subpart AA or CC, or is subject to monitoring and recordkeeping requirements in 40 CFR part 265 subpart AA or CC and the owner or operator complies with the periodic reporting requirements under 40 CFR part 264 subpart AA or CC that would apply to the device if the facility had final-permitted status, the owner or operator may elect to comply either with the monitoring, recordkeeping and reporting requirements of this subpart, or with the monitoring, recordkeeping and reporting requirements in 40 CFR parts 264 and/or 265, as described in this paragraph, which shall constitute compliance with the monitoring, recordkeeping and reporting requirements of this subpart. The owner or operator shall identify which option has been selected in the Notification of Compliance Status required by § 63.506(e)(5).

(l) *Applicability of other requirements for heat exchange systems or waste management units.* Paragraphs (l)(1) and (l)(2) of this section address instances in which certain requirements from other regulations also apply for the same heat exchange system(s) or waste management unit(s) that are subject to this subpart.

(1) After the applicable compliance date specified in this subpart, if a heat exchange system subject to this subpart is also subject to a standard identified in paragraphs (l)(1)(i) or (ii) of this section, compliance with the applicable provisions of the standard identified in paragraphs (l)(1)(i) or (ii) of this section shall constitute compliance with the applicable provisions of this subpart with respect to that heat exchange system.

(i) Subpart F of this part.

(ii) A subpart of this part which requires compliance with § 63.104 (e.g., subpart JJJ of this part).

(2) After the applicable compliance date specified in this subpart, if any waste management unit subject to this subpart is also subject to a standard identified in paragraph (l)(2)(i) or (ii) of this section, compliance with the applicable provisions of the standard identified in paragraph (l)(2)(i) or (ii) of this section shall constitute compliance with the applicable provisions of this subpart with respect to that waste management unit.

(i) Subpart G of this part.

(ii) A subpart of this part which requires compliance with §§ 63.132 through 63.147 (e.g., subpart JJJ of this part).

(m) All terms in this subpart that define a period of time for completion of required tasks (e.g., monthly, quarterly, annual), unless specified otherwise in the section or paragraph that imposes the requirement, refer to the standard calendar periods.

(1) Notwithstanding time periods specified in this subpart for completion of required tasks, such time periods may be changed by mutual agreement between the owner or operator and the Administrator, as specified in subpart A of this part (e.g., a period could begin on the compliance date or another date, rather than on the first day of the standard calendar period). For each time period that is changed by agreement, the revised period shall remain in effect until it is changed. A new request is not necessary for each recurring period.

(2) Where the period specified for compliance is a standard calendar period, if the initial compliance date occurs after the beginning of the period, compliance shall be required according to the schedule specified in paragraphs (m)(2)(i) or (m)(2)(ii) of this section, as appropriate.

(i) Compliance shall be required before the end of the standard calendar period within which the compliance deadline occurs, if there remain at least 2 weeks for tasks that shall be performed monthly, at least 1 month for tasks that shall be performed each quarter, or at least 3 months for tasks that shall be performed annually; or

(ii) In all other cases, compliance shall be required before the end of the first full standard calendar period after the period within which the initial compliance deadline occurs.

(3) In all instances where a provision of this subpart requires completion of a task during each of multiple successive periods, an owner or operator may perform the required task at any time during the specified period, provided that the task is conducted at a reasonable interval after completion of the task during the previous period.

4. Section 63.482 is amended:

a. By revising paragraph (a) and the definitions for ''Aggregate batch vent stream,'' ''Batch front-end process vent,'' ''Batch process,'' ''Batch unit operation,'' ''Compounding unit,'' ''Continuous front-end process vent,'' ''Continuous process,'' ''Continuous unit operation,'' ''Control device,'' ''Elastomer product,'' ''Elastomer

product process unit (EPPU),'' ''Elastomer type,'' ''Emission point,'' ''Emulsion process,'' ''Epichlorohydrin elastomer,'' ''Ethylene-propylene rubber,'' ''Front-end,'' ''Grade,'' ''Group 1 batch front-end process vent,'' ''Group 1 continuous front-end process vent,'' ''Group 2 continuous front-end process vent,'' ''Group 1 wastewater stream,'' ''Halogenated continuous front-end process vent,'' ''Nitrile butadiene rubber,'' ''Organic hazardous air pollutant(s) (organic HAP),'' ''Process unit,'' ''Process vent,'' ''Product,'' ''Recovery operations equipment,'' ''Resin,'' ''Steady-state conditions,'' ''Storage vessel,'' ''Suspension process,'' and ''Total organic compounds (TOC)'';

b. By removing the definitions of ''Average flow rate,'' ''Batch cycle limitation,'' ''Mass process,'' ''Material recovery section,'' ''Month,'' ''Polybutadiene rubber/styrene butadiene rubber by solution,'' ''Polymerization reaction section,'' ''Raw materials preparation section,'' ''Solid state polymerization unit,'' ''Stripping Technology,'' and ''Year,''; and

c. By adding definitions for the terms ''Annual average batch vent concentration,'' ''Annual average batch vent flow rate,'' ''Annual average concentration,'' ''Annual average flow rate,'' ''Average batch vent concentration,'' ''Average batch vent flow rate'', ''Batch mass input limitation,'' ''Batch mode,'' ''Block polymer,'' ''Combined vent stream,'' ''Construction,'' ''Continuous mode,'' ''Continuous record,'' ''Continuous recorder,'' ''Equipment,'' ''Existing affected source,'' ''Existing process unit,'' ''Flexible operation unit,'' ''Glass transition temperature,'' ''Highest-HAP recipe,'' ''Initial start-up,'' ''Maintenance wastewater,'' ''Maximum true vapor pressure,'' ''Multicomponent system,'' ''Net positive heating value,'' ''New affected source,'' ''New process unit,'' ''On-site or on site,'' ''Operating day,'' ''Polybutadiene rubber by solution,'' ''Recipe,'' ''Reconstruction,'' ''Recovery device,'' ''Residual,'' ''Shutdown,'' ''Start-up,'' ''Stripper,'' ''Stripping,'' ''Styrene butadiene rubber by solution,'' ''Total resource effectiveness index value or TRE index value,'' ''Vent stream,'' ''Waste management unit,'' ''Wastewater,'' and ''Wastewater stream,'' to read as follows:

§ 63.482 Definitions.

(a) The following terms used in this subpart shall have the meaning given them in § 63.2, § 63.101, § 63.111, § 63.161, or the Act, as specified after each term:

Act (§ 63.2)
Administrator (§ 63.2)
Automated monitoring and recording system (§ 63.111)
Boiler (§ 63.111)
Bottoms receiver (§ 63.161)
By compound (§ 63.111)
By-product (§ 63.101)
Car-seal (§ 63.111)
Closed-vent system (§ 63.111)
Combustion device (§ 63.111)
Commenced (§ 63.2)
Compliance date (§ 63.2)
Connector (§ 63.161)
Continuous monitoring system (§ 63.2)
Distillation unit (§ 63.111)
Duct work (§ 63.161)
Emission limitation (Section 302(k) of the Act)
Emission standard (§ 63.2)
Emissions averaging(§ 63.2)
EPA (§ 63.2)
Equipment leak (§ 63.101)
External floating roof (§ 63.111)
Fill or filling (§ 63.111)
Fixed capital cost (§ 63.2)
Flame zone (§ 63.111)
Floating roof (§ 63.111)
Flow indicator (§ 63.111)
Fuel gas system (§ 63.101)
Halogens and hydrogen halides (§ 63.111)
Hard-piping (§ 63.111)
Hazardous air pollutant (§ 63.2)
Heat exchange system (§ 63.101)
Impurity (§ 63.101)
Incinerator (§ 63.111)
In organic hazardous air pollutant service or in organic HAP service (§ 63.161)
Instrumentation system (§ 63.161)
Internal floating roof (§ 63.111)
Lesser quantity (§ 63.2)
Major source (§ 63.2)
Malfunction (§ 63.2)
Open-ended valve or line (§ 63.161)
Operating permit (§ 63.101)
Organic monitoring device (§ 63.111)
Owner or operator (§ 63.2)
Performance evaluation (§ 63.2)
Performance test (§ 63.2)
Permitting authority (§ 63.2)
Plant site (§ 63.101)
Potential to emit (§ 63.2)
Pressure release (§ 63.161)
Primary fuel (§ 63.111)
Process heater (§ 63.111)
Process unit shutdown (§ 63.161)
Process wastewater (§ 63.101)
Process wastewater stream (§ 63.111)
Reactor (§ 63.111)
Recapture device (§ 63.101)
Research and development facility (§ 63.101)
Routed to a process or route to a process (§ 63.161)
Run (§ 63.2)
Secondary fuel (§ 63.111)
Sensor (§ 63.161)
Specific gravity monitoring device (§ 63.111)
Start-up, shutdown, and malfunction plan (§ 63.101)
State (§ 63.2)
Stationary Source (§ 63.2)
Surge control vessel (§ 63.161)
Temperature monitoring device (§ 63.111)
Test method (§ 63.2)
Treatment process (§ 63.111)
Unit operation (§ 63.101)
Visible emission (§ 63.2)

(b) * * *

Aggregate batch vent stream means a gaseous emission stream containing only the exhausts from two or more batch front-end process vents that are ducted, hard-piped, or otherwise connected together for a continuous flow.

Annual average batch vent concentration is determined using Equation 17, as described in § 63.488(h)(2) for halogenated compounds.

Annual average batch vent flow rate is determined by the procedures in § 63.488(e)(3).

Annual average concentration, as used in the wastewater provisions, means the flow-weighted annual average concentration, as determined according to the procedures specified in § 63.144(b), with the exceptions noted in § 63.501, for the purposes of this subpart.

Annual average flow rate, as used in the wastewater provisions, means the annual average flow rate, as determined according to the procedures specified in § 63.144(c), with the exceptions noted in § 63.501, for the purposes of this subpart.

Average batch vent concentration is determined by the procedures in § 63.488(b)(5)(iii) for HAP concentrations and is determined by the procedures in § 63.488(h)(1)(iii) for organic compounds containing halogens and hydrogen halides.

Average batch vent flow rate is determined by the procedures in § 63.488(e)(1) and (e)(2).

* * * * *

Batch front-end process vent means a process vent with annual organic HAP emissions greater than 225 kilograms per year from a batch unit operation within an affected source and located in the front-end of a process unit. Annual organic HAP emissions are determined as specified in § 63.488(b) at the location specified in § 63.488(a)(2).

Batch mass input limitation means an enforceable restriction on the total mass of HAP or material that can be input to a batch unit operation in one year.

Batch mode means the discontinuous bulk movement of material through a

unit operation. Mass, temperature, concentration, and other properties may vary with time. For a unit operation operated in a batch mode (i.e., batch unit operation), the addition of material and withdrawal of material do not typically occur simultaneously.

Batch process means, for the purposes of this subpart, a process where the reactor(s) is operated in a batch mode.

Batch unit operation means a unit operation operated in a batch mode.

Block polymer means a polymer where the polymerization is controlled, usually by performing discrete polymerization steps, such that the final polymer is arranged in a distinct pattern of repeating units of the same monomer.

* * * * *

Combined vent stream, as used in reference to batch front-end process vents, continuous front-end process vents, and aggregate batch vent streams, means the emissions from a combination of two or more of the aforementioned types of process vents. The primary occurrence of a combined vent stream is as combined emissions from a continuous front-end process vent and a batch front-end process vent.

Compounding unit means a unit operation which blends, melts, and resolidifies solid polymers for the purpose of incorporating additives, colorants, or stabilizers into the final elastomer product. A unit operation whose primary purpose is to remove residual monomers from polymers is not a compounding unit.

Construction means the on-site fabrication, erection, or installation of an affected source. Construction also means the on-site fabrication, erection, or installation of a process unit or combination of process units which subsequently becomes an affected source or part of an affected source, due to a change in primary product.

Continuous front-end process vent means a process vent located in the front-end of a process unit and containing greater than 0.005 weight percent total organic HAP from a continuous unit operation within an affected source. The total organic HAP weight percent is determined after the last recovery device, as described in § 63.115(a), and is determined as specified in § 63.115(c).

Continuous mode means the continuous movement of material through a unit operation. Mass, temperature, concentration, and other properties typically approach steady-state conditions. For a unit operation operated in a continuous mode (i.e., continuous unit operation), the simultaneous addition of raw material and withdrawal of product is typical.

Continuous process means, for the purposes of this subpart, a process where the reactor(s) is operated in a continuous mode.

Continuous record means documentation, either in hard copy or computer readable form, of data values measured at least once every 15 minutes and recorded at the frequency specified in § 63.506(d) or (h).

Continuous recorder means a data recording device that either records an instantaneous data value at least once every 15 minutes or records 1-hour or more frequent block average values.

Continuous unit operation means a unit operation operated in a continuous mode.

Control device is defined in § 63.111, except that the term ''continuous front-end process vent'' shall apply instead of the term ''process vent,'' for the purpose of this subpart.

* * * * *

Elastomer product means one of the following types of products, as they are defined in this section:

(1) Butyl Rubber;
(2) Halobutyl Rubber;
(3) Epichlorohydrin Elastomer;
(4) Ethylene Propylene Rubber;
(5) Hypalon™;
(6) Neoprene;
(7) Nitrile Butadiene Rubber;
(8) Nitrile Butadiene Latex;
(9) Polybutadiene Rubber by solution
(10) Styrene Butadiene Rubber by Solution;
(11) Polysulfide Rubber;
(12) Styrene Butadiene Rubber by Emulsion; and
(13) Styrene Butadiene Latex.

Elastomer product process unit (EPPU) means a collection of equipment assembled and connected by hard-piping or duct work, used to process raw materials and to manufacture an elastomer product as its primary product. This collection of equipment includes unit operations; recovery operations equipment; process vents; storage vessels, as determined in § 63.480(g); equipment that is identified in § 63.149; and the equipment that is subject to the equipment leak provisions as specified in § 63.502. Utilities, lines and equipment not containing process fluids, and other non-process lines, such as heating and cooling systems which do not combine their materials with those in the processes they serve, are not part of an elastomer product process unit. An elastomer product process unit consists of more than one unit operation.

Elastomer type means one of the elastomers listed under ''elastomer product'' in this section. Each elastomer identified in that definition represents a different elastomer type.

Emission point means an individual continuous front-end process vent, batch front-end process vent, back-end process vent, storage vessel, waste management unit, heat exchange system, or equipment leak, or equipment subject to § 63.149.

Emulsion process means a process where the monomer(s) is dispersed in droplets throughout a water phase, with the aid of an emulsifying agent such as soap or a synthetic emulsifier. The polymerization occurs either within the emulsion droplet or in the aqueous phase.

Epichlorohydrin elastomer means an elastomer formed from the polymerization or copolymerization of epichlorohydrin (EPI). The main epichlorohydrin elastomers are polyepichlorohydrin, epi-ethylene oxide (EO) copolymer, epi-allyl glycidyl ether (AGE) copolymer, and epi-EO–AGE terpolymer. Epoxies produced by the copolymerization of EPI and bisphenol A are not epichlorohydrin elastomers.

Equipment means, for the purposes of the provisions in § 63.502(a) through (m) and the requirements in subpart H that are referred to in § 63.502(a) through (m), each pump, compressor, agitator, pressure relief device, sampling connection system, open-ended valve or line, valve, connector, surge control vessel, bottoms receiver, and instrumentation system in organic hazardous air pollutant service; and any control devices or systems required by subpart H.

Ethylene-propylene rubber means an ethylene-propylene copolymer or an ethylene-propylene terpolymer. Ethylene-propylene copolymers (EPM) result from the polymerization of ethylene and propylene and contain a saturated chain of the polymethylene type. Ethylene-propylene terpolymers (EPDM) are produced in a similar manner as EPM, except that a third monomer is added to the reaction sequence. Typical third monomers include ethylidene norbornene, 1,4-hexadiene, or dicyclopentadiene. Ethylidene norbornene is the most commonly used. The production process includes, but is not limited to, polymerization, recycle, recovery, and packaging operations. The polymerization reaction may occur in either a solution process or a suspension process.

Existing affected source is defined in § 63.480(a)(3).

Existing process unit means any process unit that is not a new process unit.

* * * * *

Flexible operation unit means a process unit that manufactures different chemical products, polymers, or resins periodically by alternating raw materials or operating conditions. These units are also referred to as campaign plants or blocked operations.

Front-end refers to the unit operations in an EPPU prior to, and including, the stripping operations. For all gas-phased reaction processes, all unit operations are considered to be front-end.

* * * * *

Glass transition temperature means the temperature at which an elastomer polymer becomes rigid and brittle.

Grade means a group of recipes of an elastomer type having similar characteristics such as molecular weight, monomer composition, significant money values, and the presence or absence of extender oil and/or carbon black. More than one recipe may be used to produce the same grade.

Group 1 batch front-end process vent means a batch front-end process vent releasing annual organic HAP emissions greater than or equal to 11,800 kg/yr and with a cutoff flow rate, calculated in accordance with § 63.488(f), greater than or equal to the annual average batch vent flow rate. Annual organic HAP emissions and annual average batch vent flow rate are determined at the exit of the batch unit operation, as described in § 62.488(a)(2). Annual organic HAP emissions are determined as specified in § 63.488(b), and annual average batch vent flow rate is determined as specified in § 63.488(e).

* * * * *

Group 1 continuous front-end process vent means a continuous front-end process vent for which the flow rate is greater than or equal to 0.005 standard cubic meter per minute, the total organic HAP concentration is greater than or equal to 50 parts per million by volume, and the total resource effectiveness index value, calculated according to § 63.115, is less than or equal to 1.0.

Group 2 continuous front-end process vent means a continuous front-end process vent for which the flow rate is less than 0.005 standard cubic meter per minute, the total organic HAP concentration is less than 50 parts per million by volume, or the total resource effectiveness index value, calculated according to § 63.115, is greater than 1.0.

* * * * *

Group 1 wastewater stream means a wastewater stream consisting of process wastewater from an existing or new affected source that meets the criteria for Group 1 status in § 63.132(c), with the exceptions listed in § 63.501(a)(10) for the purposes of this subpart (i.e., for organic HAP listed on Table 5 of this subpart only).

* * * * *

Halogenated continuous front-end process vent means a continuous front-end process vent determined to have a mass emission rate of halogen atoms contained in organic compounds of 0.45 kg/hr or greater determined by the procedures presented in § 63.115(d)(2)(v).

* * * * *

Highest-HAP recipe for a product means the recipe of the product with the highest total mass of HAP charged to the reactor during the production of a single batch of product.

* * * * *

Initial start-up means the first time a new or reconstructed affected source begins production of an elastomer product, or, for equipment added or changed as described in § 63.480(i), the first time the equipment is put into operation to produce an elastomer product. Initial start-up does not include operation solely for testing equipment. Initial start-up does not include subsequent start-ups of an affected source or portion thereof following malfunctions or shutdowns or following changes in product for flexible operation units or following recharging of equipment in batch operation. Further, for purposes of § 63.502, initial start-up does not include subsequent start-ups of affected sources or portions thereof following malfunctions or process unit shutdowns.

* * * * *

Maintenance wastewater is defined in § 63.101, except that the term ''elastomer product process unit'' shall apply whenever the term ''chemical manufacturing process unit'' is used. Further, the generation of wastewater from the routine rinsing or washing of equipment in batch operation between batches is not maintenance wastewater, but is considered to be process wastewater, for the purposes of this subpart.

Maximum true vapor pressure is defined in § 63.111, except that the terms ''transfer'' and ''transferred'' shall not apply for the purposes of this subpart.

Multicomponent system means, as used in conjunction with batch front-end process vents, a stream whose liquid and/or vapor contains more than one compound.

* * * * *

Net positive heating value means the difference between the heat value of the recovered chemical stream and the minimum heat value required to ensure a stable flame in a combustion device, when the heat value of the recovered chemical stream is less than the minimum heat value required to ensure a stable flame. This difference must have a positive value when used in the context of ''recovering chemicals for fuel value'' (e.g., in the definition of ''recovery device'' in this section).

* * * * *

New process unit means a process unit for which the construction or reconstruction commenced after June 12, 1995.

* * * * *

Nitrile butadiene rubber means a polymer consisting primarily of unsaturated nitriles and dienes, usually acrylonitrile and 1,3-butadiene, not including nitrile butadiene latex.

On-site or on site means, with respect to records required to be maintained by this subpart or required by another subpart referenced by this subpart, that records are stored at a location within a major source which encompasses the affected source. On-site includes, but is not limited to, storage at the affected source or EPPU to which the records pertain, or storage in central files elsewhere at the major source.

Operating day means the period defined by the owner or operator in the Notification of Compliance Status required by § 63.506(e)(5). The operating day is the period for which daily average monitoring values and batch cycle daily average monitoring values are determined.

Organic hazardous air pollutant(s) (organic HAP) means one or more of the chemicals listed in Table 5 of this subpart or any other chemical which:

(1) Is knowingly produced or introduced into the manufacturing process other than as an impurity; and

(2) Is listed in Table 2 of subpart F of this part.

Polybutadiene rubber by solution means a polymer of 1,3-butadiene produced using a solution process.

* * * * *

Process unit means a collection of equipment assembled and connected by hard-piping or duct work, used to process raw materials and to manufacture a product.

Process vent means a gaseous emission stream from a unit operation that is discharged to the atmosphere either directly or after passing through one or more control, recovery, or recapture devices. Unit operations that may have process vents are condensers, distillation units, reactors, or other unit operations within the EPPU. Process

vents exclude pressure releases, gaseous streams routed to a fuel gas system(s), and leaks from equipment regulated under § 63.502. A gaseous emission stream is no longer considered to be a process vent after the stream has been controlled and monitored in accordance with the applicable provisions of this subpart.

Product means a polymer produced using the same monomers and varying in additives (e.g., initiators, terminators, etc.); catalysts; or in the relative proportions of monomers, that is manufactured by a process unit. With respect to polymers, more than one recipe may be used to produce the same product, and there can be more than one grade of a product. As an example, styrene butadiene latex and halobutyl rubber each represent a different product. Product also means a chemical that is not a polymer, that is manufactured by a process unit. By-products, isolated intermediates, impurities, wastes, and trace contaminants are not considered products.

Recipe means a specific composition, from among the range of possible compositions that may occur within a product, as defined in this section. A recipe is determined by the proportions of monomers and, if present, other reactants and additives that are used to make the recipe. For example, styrene butadiene latex without additives; styrene butadiene latex with an additive; and styrene butadiene latex with different proportions of styrene to butadiene are all different recipes of the same product, styrene butadiene latex.

Reconstruction means the replacement of components of an affected source or of a previously unaffected stationary source that becomes an affected source as a result of the replacement, to such an extent that:

(1) The fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable new source; and

(2) It is technologically and economically feasible for the reconstructed source to meet the provisions of this subpart.

Recovery device means:

(1) An individual unit of equipment capable of and normally used for the purpose of recovering chemicals for:

(i) Use;

(ii) Reuse;

(iii) Fuel value (i.e., net heating value); or

(iv) For sale for use, reuse, or fuel value (i.e., net heating value).

(2) Examples of equipment that may be recovery devices include absorbers, carbon adsorbers, condensers, oil-water separators or organic-water separators, or organic removal devices such as decanters, strippers, or thin film evaporation units. For the purposes of the monitoring, recordkeeping, or reporting requirements of this subpart, recapture devices are considered recovery devices.

Recovery operations equipment means the equipment used to separate the components of process streams. Recovery operations equipment includes distillation units, condensers, etc. Equipment used for wastewater treatment and recovery or recapture devices used as control devices shall not be considered recovery operations equipment.

Residual is defined in § 63.111, except that when the definition in § 63.111 uses the term ''Table 9 compounds,'' the term ''organic HAP listed in Table 5 of subpart U of this part'' shall apply, for the purposes of this subpart.

Resin, for the purposes of this subpart, means a polymer with the following characteristics:

(1) The polymer is a block polymer;

(2) The manufactured polymer does not require vulcanization to make useful products;

(3) The polymer production process is operated to achieve at least 99 percent monomer conversion; and

(4) The polymer process unit does not recycle unreacted monomer back to the process.

Shutdown means for purposes including, but not limited to, periodic maintenance, replacement of equipment, or repair, the cessation of operation of an affected source, an EPPU within an affected source, a waste management unit or unit operation within an affected source, or equipment required or used to comply with this subpart, or the emptying or degassing of a storage vessel. For purposes of the wastewater provisions of § 63.501, shutdown does not include the routine rinsing or washing of equipment in batch operation between batches. For purposes of the batch front-end process vent provisions in §§ 63.486 through 63.492, the cessation of equipment in batch operation is not a shutdown, unless the equipment undergoes maintenance, is replaced, or is repaired.

* * * * *

Start-up means the setting into operation of an affected source, an EPPU within the affected source, a waste management unit or unit operation within an affected source, or equipment required or used to comply with this subpart, or a storage vessel after emptying and degassing. For both continuous and batch front-end processes, start-up includes initial start-up and operation solely for testing equipment. For both continuous and batch front-end processes, start-up does not include the recharging of equipment in batch operation. For continuous front-end processes, start-up includes transitional conditions due to changes in product for flexible operation units. For batch front-end processes, start-up does not include transitional conditions due to changes in product for flexible operation units.

Steady-state conditions means that all variables (temperatures, pressures, volumes, flow rates, etc.) in a process do not vary significantly with time; minor fluctuations about constant mean values may occur.

Storage vessel means a tank or other vessel that is used to store liquids that contain one or more organic HAP. Storage vessels do not include:

(1) Vessels permanently attached to motor vehicles such as trucks, railcars, barges, or ships;

(2) Pressure vessels designed to operate in excess of 204.9 kilopascals and without emissions to the atmosphere;

(3) Vessels with capacities smaller than 38 cubic meters;

(4) Vessels and equipment storing and/or handling material that contains no organic HAP, or organic HAP as impurities only;

(5) Surge control vessels and bottoms receivers; and

(6) Wastewater storage tanks.

Stripper means a unit operation where stripping occurs.

Stripping means the removal of organic compounds from a raw elastomer product. In the production of an elastomer, stripping is a discrete step that occurs after the reactors and before the dryers and other finishing operations. Examples of types of stripping include steam stripping, direct volatilization, chemical stripping, and other methods of devolatilization. For the purposes of this subpart, devolatilization that occurs in dryers, extruders, and other finishing operations is not stripping.

* * * * *

Styrene butadiene rubber by solution means a polymer that consists primarily of styrene and butadiene monomer units and is produced using a solution process.

Suspension process means a polymerization process where the monomer(s) is in a state of suspension, with the help of suspending agents in a

medium other than water (typically an organic solvent). The resulting polymers are not soluble in the reactor medium.

Total organic compounds (TOC) means those compounds, excluding methane and ethane, measured according to the procedures of Method 18 or Method 25A, 40 CFR part 60, appendix A.

Total resource effectiveness index value or TRE index value means a measure of the supplemental total resource requirement per unit reduction of organic HAP associated with a continuous front-end process vent stream, based on vent stream flow rate, emission rate of organic HAP, net heating value, and corrosion properties (whether or not the continuous front-end process vent stream contains halogenated compounds), as quantified by the equations given under § 63.115, with the exceptions noted in § 63.485.

Vent stream, as used in reference to batch front-end process vents, continuous front-end process vents, and aggregate batch vent streams, means the emissions from one or more process vents.

Waste management unit is defined in § 63.111, except that where the definition in § 63.111 uses the term ''chemical manufacturing process unit,'' the term ''EPPU'' shall apply for the purposes of this subpart.

Wastewater means water that:

(1) Contains either:

(i) An annual average concentration of organic HAP listed in Table 5 of this subpart of at least 5 parts per million by weight and has an annual average flow rate of 0.02 liter per minute or greater; or

(ii) An annual average concentration of organic HAP listed on Table 5 of this subpart of at least 10,000 parts per million by weight at any flow rate; and

(2) Is discarded from an EPPU that is part of an affected source. Wastewater is process wastewater or maintenance wastewater.

Wastewater stream means a stream that contains wastewater as defined in this section.

5. Section 63.483 is amended by revising paragraphs (a) introductory text, (b), and (c); and adding paragraph (d), to read as follows:

§ 63.483 Emission standards.

(a) Except as allowed under paragraphs (b) through (d) of this section, the owner or operator of an existing or new affected source shall comply with the provisions in:

* * * * *

(b) When emissions of different kinds (i.e., emissions from continuous front-end process vents, batch front-end process vents, aggregate batch vent streams, storage vessels, process wastewater, and/or in-process equipment subject to § 63.149) are combined, and at least one of the emission streams would be classified as Group 1 in the absence of combination with other emission streams, the owner or operator of an affected source shall comply with the requirements of either paragraph (b)(1) or (b)(2) of this section, as appropriate. For purposes of this paragraph (b), owners or operators of affected sources with combined emission streams containing one or more batch front-end process vents and containing one or more continuous front-end process vents may comply with either paragraph (b)(1) or (b)(2) of this section, as appropriate. For purposes of this paragraph (b), owners or operators of affected sources with combined emission streams containing one or more batch front-end process vents but not containing one or more continuous process vents shall comply with paragraph (b)(3) of this section.

(1) Comply with the applicable requirements of this subpart for each kind of emission in the stream as specified in paragraphs (a)(1) through (a)(6) of this section.

(2) Comply with the first set of requirements, identified in paragraphs (b)(2)(i) through (b)(2)(v) of this section, which applies to any individual emission stream that is included in the combined stream, where either that emission stream would be classified as Group 1 in the absence of combination with other emission streams, or the owner or operator chooses to consider that emission stream to be Group 1 for purposes of this paragraph. Compliance with the first applicable set of requirements identified in paragraphs (b)(2)(i) through (b)(2)(v) of this section constitutes compliance with all other requirements in paragraphs (b)(2)(i) through (b)(2)(v) of this section applicable to other types of emissions in the combined stream.

(i) The requirements of this subpart for Group 1 continuous front-end process vents, including applicable monitoring, recordkeeping, and reporting;

(ii) The requirements of § 63.119(e), as specified in § 63.484, for control of emissions from Group 1 storage vessels, including applicable monitoring, recordkeeping, and reporting;

(iii) The requirements of § 63.139, as specified in § 63.501, for control devices used to control emissions from waste management units, including applicable monitoring, recordkeeping, and reporting;

(iv) The requirements of § 63.139, as specified in § 63.501, for closed vent systems for control of emissions from in-process equipment subject to § 63.149, as specified in § 63.501, including applicable monitoring, recordkeeping, and reporting; or

(v) The requirements of this subpart for aggregate batch vent streams, including applicable monitoring, recordkeeping, and reporting.

(3) The owner or operator of an affected source with combined emission streams containing one or more batch front-end process vents, but not containing one or more continuous front-end process vents, shall comply with paragraphs (b)(3)(i) and (b)(3)(ii) of this section.

(i) The owner or operator of the affected source shall comply with § 63.486 for the batch front-end process vent stream(s).

(ii) The owner or operator of the affected source shall comply with either paragraph (b)(1) or (b)(2) of this section, as appropriate, for the remaining emission streams.

(c) Instead of complying with §§ 63.484, 63.485, 63.493, and 63.501, the owner or operator of an existing affected source may elect to control any or all of the storage vessels, continuous front-end process vents, batch front-end process vents, aggregate batch vent streams, back-end process emissions, and wastewater streams and associated waste management units within the affected source, to different levels using an emissions averaging compliance approach that uses the procedures specified in § 63.503. The restrictions concerning which emission points may be included in an emissions average, including how many emission points may be included, are specified in § 63.503(a)(1). An owner or operator electing to use emissions averaging shall still comply with the provisions of §§ 63.484, 63.485, 63. 486, 63.493, and 63.501 for affected source emission points not included in the emissions average.

(d) A State may decide not to allow the use of the emissions averaging compliance approach specified in paragraph (c) of this section.

6. Section 63.484 is amended by revising paragraphs (a), (b)(2), (c) through (h), (i) introductory text, (i)(1), and (j) through (q); and adding paragraphs (r) and (s), to read as follows:

§ 63.484 Storage vessel provisions.

(a) This section applies to each storage vessel that is assigned to an affected source, as determined by § 63.480(g). Except for those storage vessels exempted by paragraph (b) of

this section, the owner or operator of affected sources shall comply with the requirements of §§ 63.119 through 63.123 and 63.148, with the differences noted in paragraphs (c) through (s) of this section, for the purposes of this subpart.

(b) * * *

(2) Storage vessels containing latex products other than styrene-butadiene latex, located downstream of the stripping operations;

* * * * *

(c) When the term ''storage vessel'' is used in §§ 63.119 through 63.123, the definition of this term in § 63.482 shall apply for the purposes of this subpart.

(d) When the term ''Group 1 storage vessel'' is used in §§ 63.119 through 63.123, the definition of this term in § 63.482 shall apply for the purposes of this subpart.

(e) When the term ''Group 2 storage vessel'' is used in §§ 63.119 through 63.123, the definition of this term in § 63.482 shall apply for the purposes of this subpart.

(f) When the emissions averaging provisions of § 63.150 are referred to in § 63.119 and § 63.123, the emissions averaging provisions contained in § 63.503 shall apply for the purposes of this subpart.

(g) When December 31, 1992 is referred to in § 63.119, June 12, 1995 shall apply instead, for the purposes of this subpart.

(h) When April 22, 1994 is referred to in § 63.119, September 5, 1996 shall apply instead, for the purposes of this subpart.

(i) The owner or operator of an affected source shall comply with this paragraph instead of § 63.120(d)(1)(ii) for the purposes of this subpart. If the control device used to comply with § 63.119(e) is also used to comply with any of the requirements found in §§ 63.485 through 63.501, the performance test required in or accepted by the applicable requirements in §§ 63.485 through 63.501 is acceptable for demonstrating compliance with § 63.119(e), for the purposes of this subpart. The owner or operator will not be required to prepare a design evaluation for the control device as described in § 63.120(d)(1)(i), if the performance test meets the criteria specified in paragraphs (i)(1) and (i)(2) of this section.

(1) The performance test demonstrates that the control device achieves greater than or equal to the required control efficiency specified in § 63.119(e)(1) or § 63.119(e)(2), as applicable; and

* * * * *

(j) When the term ''operating range'' is used in § 63.120(d)(3)(i), the term ''level,'' shall apply instead, for the purposes of this subpart.

(k) For purposes of this subpart, the monitoring plan required by § 63.120(d)(2) shall specify for which control devices the owner or operator has selected to follow the procedures for continuous monitoring specified in § 63.505. For those control devices for which the owner or operator has selected to not follow the procedures for continuous monitoring specified in § 63.505, the monitoring plan shall include a description of the parameter or parameters to be monitored to ensure that the control device is being properly operated and maintained, an explanation of the criteria used for selection of that parameter (or parameters), and the frequency with which monitoring will be performed (e.g., when the liquid level in the storage vessel is being raised), as specified in § 63.120(d)(2)(i).

(l) For purposes of this subpart, the monitoring plan required by § 63.122(b) shall be included in the Notification of Compliance Status required by § 63.506(e)(5).

(m) When the Notification of Compliance Status requirements contained in § 63.152(b) are referred to in §§ 63.120, 63.122, and 63.123, the Notification of Compliance Status requirements contained in § 63.506(e)(5) shall apply for the purposes of this subpart.

(n) When the Periodic Report requirements contained in § 63.152(c) are referred to in §§ 63.120, 63.122, and 63.123, the Periodic Report requirements contained in § 63.506(e)(6) shall apply for the purposes of this subpart.

(o) When other reports as required in § 63.152(d) are referred to in § 63.122, the reporting requirements contained in § 63.506(e)(7) shall apply for the purposes of this subpart.

(p) When the Initial Notification requirements contained in § 63.151(b) are referred to in §§ 63.119 through 63.123, for the purposes of this subpart the owner or operator of an affected source need not comply.

(q) When the determination of equivalence criteria in § 63.102(b) are referred to in § 63.121(a), the provisions in § 63.6(g) shall apply for the purposes of this subpart.

(r) When § 63.119(a) requires compliance according to the schedule provisions in § 63.100, owners and operators of affected sources shall instead comply with the requirements in §§ 63.119(a)(1) through 63.119(a)(4) by the compliance date for storage vessels, which is specified in § 63.481.

(s) In § 63.120(e)(1), instead of the reference to § 63.11(b), the requirements of § 63.504(c) shall apply.

7. Section 63.485 is revised to read as follows:

§ 63.485 Continuous front-end process vent provisions.

(a) For each continuous front-end process vent located at an affected source, the owner or operator shall comply with the requirements of §§ 63.113 through 63.118, except as provided for in paragraphs (b) through (u) of this section. The owner or operator of continuous front-end process vents that are combined with one or more batch front-end process vents shall comply with paragraph (o) or (p) of this section.

(b) When the term ''process vent'' is used in §§ 63.113 through 63.118, the term ''continuous front-end process vent,'' and the definition of this term in § 63.482 shall apply for the purposes of this subpart.

(c) When the term ''halogenated process vent'' is used in §§ 63.113 through 63.118, the term ''halogenated continuous front-end process vent,'' and the definition of this term in § 63.482 shall apply for the purposes of this subpart.

(d) When the term ''Group 1 process vent'' is used in §§ 63.113 through 63.118, the term ''Group 1 continuous front-end process vent,'' and the definition of this term in § 63.482 shall apply for the purposes of this subpart.

(e) When the term ''Group 2 process vent'' is used in §§ 63.113 through 63.118, the term ''Group 2 continuous front-end process vent,'' and the definition of this term in § 63.482 shall apply for the purposes of this subpart.

(f) When December 31, 1992 (i.e., the proposal date for subpart G of this part) is referred to in § 63.113, June 12, 1995 shall instead apply, for the purposes of this subpart.

(g) When §§ 63.151(f), alternative monitoring parameters, and 63.152(e), submission of an operating permit, are referred to in §§ 63.114(c) and 63.117(e), 63.506(f), alternative monitoring parameters, and § 63.506(e)(8), submission of an operating permit, respectively, shall apply for the purposes of this subpart.

(h) When the Notification of Compliance Status requirements contained in § 63.152(b) are referred to in §§ 63.114, 63.117, and 63.118, the Notification of Compliance Status requirements contained in § 63.506(e)(5) shall apply for the purposes of this subpart.

(i) When the Periodic Report requirements contained in § 63.152(c)

are referred to in §§ 63.117 and 63.118, the Periodic Report requirements contained in § 63.506(e)(6) shall apply for the purposes of this subpart.

(j) When the definition of excursion in § 63.152(c)(2)(ii)(A) is referred to in § 63.118(f)(2), the definition of excursion in § 63.505(g) and (h) shall apply for the purposes of this subpart.

(k) When § 63.114(e) specifies that an owner or operator shall submit the information required in § 63.152(b) in order to establish the parameter monitoring range, the owner or operator of an affected source shall comply with the provisions of § 63.505 for establishing the parameter monitoring level and shall comply with § 63.506(e)(5) for the purposes of reporting information related to the establishment of the parameter monitoring level, for the purposes of this subpart. Further, the term ''level'' shall apply whenever the term ''range'' is used in §§ 63.114, 63.117, and 63.118.

(l) When reports of process changes are required under § 63.118(g), (h), (i), or (j), paragraphs (l)(1) through (l)(4) of this section shall apply for the purposes of this subpart. In addition, for the purposes of this subpart paragraph (l)(5) of this section applies, and § 63.118(k) does not apply to owners or operators of affected sources.

(1) For the purposes of this subpart, whenever a process change, as defined in § 63.115(e), is made that causes a Group 2 continuous front-end process vent to become a Group 1 continuous front-end process vent, the owner or operator shall submit a report within 180 days after the process change is made or with the next Periodic Report, whichever is later. A description of the process change shall be submitted with the report of the process change, and the owner or operator of the affected source shall comply with the Group 1 provisions in §§ 63.113 through 63.118 in accordance with § 63.480(i)(2)(ii).

(2) Whenever a process change, as defined in § 63.115(e), is made that causes a Group 2 continuous front-end process vent with a TRE greater than 4.0 to become a Group 2 continuous front-end process vent with a TRE less than 4.0, the owner or operator shall submit a report within 180 days after the process change is made or with the next Periodic Report, whichever is later. A description of the process change shall be submitted with the report of the process change, and the owner or operator shall comply with the provisions in § 63.113(d) by the dates specified in § 63.481.

(3) Whenever a process change, as defined in § 63.115(e), is made that causes a Group 2 continuous front-end process vent with a flow rate less than 0.005 standard cubic meter per minute (scmm) to become a Group 2 continuous front-end process vent with a flow rate of 0.005 scmm or greater and a TRE index value less than or equal to 4.0, the owner or operator shall submit a report within 180 days after the process change is made or with the next Periodic Report, whichever is later. A description of the process change shall be submitted with the report of the process change, and the owner or operator shall comply with the provisions in § 63.113(d) by the dates specified in § 63.481.

(4) Whenever a process change, as defined in § 63.115(e), is made that causes a Group 2 continuous front-end process vent with an organic HAP concentration less than 50 parts per million by volume (ppmv) to become a Group 2 continuous front-end process vent with an organic HAP concentration of 50 ppmv or greater and a TRE index value less than or equal to 4.0, the owner or operator shall submit a report within 180 days after the process change is made or with the next Periodic Report, whichever is later. A description of the process change shall be submitted with the report of the process change, and the owner or operator shall comply with the provisions in § 63.113(d) by the dates specified in § 63.481.

(5) The owner or operator is not required to submit a report of a process change if one of the conditions listed in paragraphs (l)(5)(i), (l)(5)(ii), (l)(5)(iii), or (l)(5)(iv) of this section is met.

(i) The change does not meet the description of a process change in § 63.115(e);

(ii) The vent stream flow rate is recalculated according to § 63.115(e) and the recalculated value is less than 0.005 standard cubic meter per minute;

(iii) The organic HAP concentration of the vent stream is recalculated according to § 63.115(e) and the recalculated value is less than 50 parts per million by volume; or

(iv) The TRE index value is recalculated according to § 63.115(e) and the recalculated value is greater than 4.0.

(m) When § 63.118 (periodic reporting and recordkeeping requirements) refers to § 63.152(f), the recordkeeping requirements in § 63.506(d) shall apply for the purposes of this subpart.

(n) When §§ 63.115 and 63.116 refer to Table 2 of subpart F of this part, the owner or operator is only required to consider organic HAP listed on Table 5 of this subpart, for the purposes of this subpart.

(o) If a batch front-end process vent or aggregate batch vent stream is combined with a continuous front-end process vent, the owner or operator of the affected source containing the combined vent stream shall comply with paragraph (o)(1); with paragraph (o)(2) and with paragraph (o)(3) or (o)(4); or with paragraph (o)(5) of this section, as appropriate.

(1) If a batch front-end process vent or aggregate batch vent stream is combined with a Group 1 continuous front-end process vent prior to the combined vent stream being routed to a control device, the owner or operator of the affected source containing the combined vent stream shall comply with the requirements in paragraph (o)(1)(i) or (o)(1)(ii) of this section.

(i) All requirements for a Group 1 process vent stream in §§ 63.113 through 63.118, except as otherwise provided in this section. As specified in § 63.504(a)(1), performance tests shall be conducted at maximum representative operating conditions. For the purpose of conducting a performance test on a combined vent stream, maximum representative operating conditions shall be when batch emission episodes are occurring that result in the highest organic HAP emission rate (for the combined vent stream) that is achievable during one of the periods listed in § 63.504(a)(1)(i) or § 63.504(a)(1)(ii), without causing any of the situations described in paragraphs (o)(1)(i)(A) through (o)(1)(i)(C) to occur.

(A) Causing damage to equipment;

(B) Necessitating that the owner or operator make product that does not meet an existing specification for sale to a customer; or

(C) Necessitating that the owner or operator make product in excess of demand.

(ii) Comply with the provisions in § 63.483(b)(1), as allowed under § 63.483(b).

(2) If a batch front-end process vent or aggregate batch vent stream is combined with a continuous front-end process vent prior to the combined vent stream being routed to a recovery device, the TRE index value for the combined vent stream shall be calculated at the exit of the last recovery device. The TRE shall be calculated during periods when one or more batch emission episodes are occurring that result in the highest organic HAP emission rate (in the combined vent stream that is being routed to the recovery device) that is achievable during the 6-month period that begins 3 months before and ends 3 months after the TRE calculation, without causing any of the situations described in paragraphs (o)(2)(i) through (o)(2)(iii) to occur.

(i) Causing damage to equipment;

(ii) Necessitating that the owner or operator make product that does not meet an existing specification for sale to a customer; or

(iii) Necessitating that the owner or operator make product in excess of demand.

(3) If the combined vent stream described in paragraph (o)(2) of this section meets the requirements in paragraphs (o)(3)(i), (o)(3)(ii), and (o)(3)(iii) of this section, the combined vent stream shall be subject to the requirements for Group 1 process vents in §§ 63.113 through 63.118, except as otherwise provided in this section, as applicable. Performance tests for the combined vent stream shall be conducted at maximum representative operating conditions, as described in paragraph (o)(1) of this section.

(i) The TRE index value of the combined stream is less than or equal to 1.0;

(ii) The flow rate of the combined vent stream is greater than or equal to 0.005 standard cubic meter per minute; and

(iii) The total organic HAP concentration is greater than or equal to 50 parts per million by volume for the combined vent stream.

(4) If the combined vent stream described in paragraph (o)(2) of this section meets the requirements in paragraph (o)(4)(i), (ii), or (iii) of this section, the combined vent stream shall be subject to the requirements for Group 2 process vents in §§ 63.113 through 63.118, except as otherwise provided in this section, as applicable.

(i) The TRE index value of the combined vent stream is greater than 1.0;

(ii) The flow rate of the combined vent stream is less than 0.005 standard cubic meter per minute; or

(iii) The total organic HAP concentration is less than 50 parts per million by volume for the combined vent stream.

(5) If a batch front-end process vent or aggregate batch vent stream is combined with a Group 2 continuous front-end process vent, the owner or operator shall comply with the requirements in either paragraph (o)(5)(i) or (o)(5)(ii) of this section.

(i) The owner or operator shall comply with the requirements in §§ 63.113 through 63.118 for Group 1 process vents; or

(ii) The owner or operator shall comply with § 63.487(e)(2) for batch front-end process vents and aggregate batch vent streams.

(p) If any gas stream that originates outside of an affected source that is subject to this subpart is normally conducted through the same final recovery device as any continuous front-end process vent stream subject to this subpart, the combined vent stream shall comply with all requirements in §§ 63.113 through 63.118, except as otherwise provided in this section, as applicable.

(1) Instead of measuring the vent stream flow rate at the sampling site specified in § 63.115(b)(1), the sampling site for vent stream flow rate shall be prior to the final recovery device and prior to the point at which the gas stream that is not controlled under this subpart is introduced into the combined vent stream.

(2) Instead of measuring total organic HAP or TOC concentrations at the sampling site specified in § 63.115(c)(1), the sampling site for total organic HAP or TOC concentration shall be prior to the final recovery device and prior to the point at which the gas stream that is not controlled under this subpart is introduced into the combined vent stream.

(3) The efficiency of the final recovery device (determined according to paragraph (p)(4) of this section) shall be applied to the total organic HAP or TOC concentration measured at the sampling site described in paragraph (p)(2) of this section to determine the exit concentration. This exit concentration of total organic HAP or TOC shall then be used to perform the calculations outlined in § 63.115(d)(2)(iii) and § 63.115(d)(2)(iv), for the combined vent stream exiting the final recovery device.

(4) The efficiency of the final recovery device is determined by measuring the total organic HAP or TOC concentration using Method 18 or 25A, 40 CFR part 60, appendix A, at the inlet to the final recovery device after the introduction of any gas stream that is not controlled under this subpart, and at the outlet of the final recovery device.

(q) Group 1 halogenated continuous front-end process vents described in either paragraph (q)(1) or (q)(2) of this section are exempt from the requirements to control hydrogen halides and halogens from the outlet of combustion devices contained in § 63.113(a)(1)(ii) and § 63.113(c).

(1) Group 1 halogenated continuous front-end process vents at existing affected sources producing butyl rubber, halobutyl rubber, or ethylene propylene rubber using a solution process, if the conditions in (q)(1)(i) and (ii) are met. Group 1 halogenated continuous front-end process vents at new affected sources producing butyl rubber, halobutyl rubber, or ethylene propylene rubber using a solution process are not exempt from § 63.113(a)(1)(ii) and § 63.113(c).

(i) If the halogenated continuous front-end process vent stream was controlled by a combustion device prior to June 12, 1995; and

(ii) If the requirements of § 63.113(a)(2); § 63.113(a)(3); § 63.113(b) and the associated testing requirements in § 63.116; or § 63.11(b) and § 63.504(c) are met.

(2) Group 1 halogenated continuous front-end process vents at new and existing affected sources producing an elastomer using a gas-phased reaction process, provided that the requirements of § 63.113(a)(2); § 63.113(a)(3); § 63.113(b) and the associated testing requirements in § 63.116; or § 63.11(b) and § 63.504(c) are met.

(r) The compliance date for continuous front-end process vents subject to the provisions of this section is specified in § 63.481.

(s) *Internal combustion engines.* In addition to the three options for the control of a Group 1 continuous front-end process vent listed in § 63.113(a)(1) through (3), an owner or operator will be permitted to route emissions of organic HAP to an internal combustion engine, provided the conditions listed in paragraphs (s)(1) through (s)(5) of this section are met.

(1) The vent stream routed to the internal combustion engine shall not be a halogenated continuous front-end process vent stream.

(2) The organic HAP is introduced with the primary fuel.

(3) The internal combustion engine is operating at all times that organic HAP emissions are being routed to it. The owner or operator shall demonstrate that the internal combustion engine is operating by continuously monitoring the on/off status of the internal combustion engine.

(4) The owner or operator shall maintain hourly records verifying that the internal combustion engine was operating at all times that emissions were routed to it.

(5) The owner or operator shall include in the Periodic Report a report of all times that the internal combustion engine was not operating while emissions were being routed to it.

(6) If an internal combustion engine meeting the requirements of paragraphs (s)(1) through (5) of this section is used to comply with the provisions of § 63.113(a), the internal combustion engine is exempt from the source testing requirements of § 63.116.

(t) When the provisions of § 63.116(c)(3) and (c)(4) specify that Method 18, 40 CFR part 60, appendix A shall be used, Method 18 or Method

25A, 40 CFR part 60, appendix A may be used for the purposes of this subpart. The use of Method 25A, 40 CFR part 60, appendix A shall conform with the requirements in paragraphs (t)(1) and (t)(2) of this section.

(1) The organic HAP used as the calibration gas for Method 25A, 40 CFR part 60, appendix A shall be the single organic HAP representing the largest percent by volume of the emissions.

(2) The use of Method 25A, 40 CFR part 60, appendix A is acceptable if the response from the high-level calibration gas is at least 20 times the standard deviation of the response from the zero calibration gas when the instrument is zeroed on the most sensitive scale.

(u) In § 63.116(a), instead of the reference to § 63.11(b), the requirements in § 63.504(c) shall apply.

8. Section 63.486 is revised to read as follows:

§ 63.486 Batch front-end process vent provisions.

(a) *Batch front-end process vents.* Except as specified in paragraph (b) of this section, owners and operators of new and existing affected sources with batch front-end process vents shall comply with the requirements in §§ 63.487 through 63.492. The batch front-end process vent group status shall be determined in accordance with § 63.488. Owners or operators of affected sources with batch front-end process vents classified as Group 1 shall comply with the reference control technology requirements for Group 1 batch front-end process vents in § 63.487, the monitoring requirements in § 63.489, the performance test methods and procedures to determine compliance in § 63.490, the recordkeeping requirements in § 63.491, and the reporting requirements in § 63.492. Owners and operators of all Group 2 batch front-end process vents shall comply with the applicable reference control technology requirements in § 63.487, the applicable recordkeeping requirements in § 63.491, and the applicable reporting requirements in § 63.492.

(b) *Aggregate batch vent streams.* Aggregate batch vent streams, as defined in § 63.482, are subject to the control requirements specified in § 63.487(b), as well as the monitoring, testing, recordkeeping, and reporting requirements specified in §§ 63.489 through 63.492 for aggregate batch vent streams.

9. Section 63.487 is amended by revising paragraphs (a) introductory text, (a)(1)(i), (b) introductory text, (b)(1)(i), (b)(2), (c)(1), (c)(2), (e), (f), and (g); and adding paragraph (h), to read as follows:

§ 63.487 Batch front-end process vents—reference control technology.

(a) *Batch front-end process vents.* The owner or operator of an affected source with a Group 1 batch front-end process vent, as determined using the procedures in § 63.488, shall comply with the requirements of either paragraph (a)(1) or (a)(2) of this section. Compliance may be based on either organic HAP or TOC.

(1) * * *

(i) The owner or operator of the affected source shall comply with the requirements of § 63.504(c) for the flare.

* * * * *

(b) *Aggregate batch vent streams.* The owner or operator of an aggregate batch vent stream that contains one or more Group 1 batch front-end process vents shall comply with the requirements of either paragraph (b)(1) or (b)(2) of this section. Compliance may be based on either organic HAP or TOC.

(1) * * *

(i) The owner or operator of the affected source shall comply with the requirements of § 63.504(c) for the flare.

* * * * *

(2) For each aggregate batch vent stream, reduce organic HAP emissions by 90 weight percent or to a concentration of 20 parts per million by volume, whichever is less stringent, on a continuous basis using a control device. For combustion devices, the emission reduction or concentration shall be calculated on a dry basis, corrected to 3 percent oxygen.

(c) * * *

(1) If a combustion device is used to comply with paragraph (a)(2) or (b)(2) of this section for a halogenated batch front-end process vent or halogenated aggregate batch vent stream, the emissions exiting the combustion device shall be ducted to a halogen reduction device that reduces overall emissions of hydrogen halides and halogens by at least 99 percent before discharge to the atmosphere.

(2) A halogen reduction device may be used to reduce the halogen atom mass emission rate to less than 3,750 kg/yr for batch front-end process vents or aggregate batch vent streams and thus make the batch front-end process vent or aggregate batch vent stream nonhalogenated. The nonhalogenated batch front-end process vent or aggregate batch vent stream shall then comply with the requirements of either paragraph (a) or (b) of this section, as appropriate.

* * * * *

(e) *Combination of batch front-end process vents or aggregate batch vent streams with continuous front-end process vents.* If a batch front-end process vent or aggregate batch vent stream is combined with a continuous front-end process vent, the owner or operator shall determine whether the combined vent stream is subject to the provisions of § 63.486 through 63.492 according to paragraphs (e)(1) and (e)(2) of this section.

(1) A batch front-end process vent or aggregate batch vent stream combined with a continuous front-end process vent stream is not subject to the provisions of § 63.486 through 63.492, if the requirements in paragraph (e)(1)(i) and in either paragraph (e)(1)(ii) or (e)(1)(iii) are met.

(i) The only emissions to the atmosphere from the batch front-end process vent or aggregate batch vent stream prior to being combined with the continuous front-end process vent are from equipment subject to § 63.502.

(ii) The batch front-end vent stream or aggregate batch vent stream is combined with a Group 1 continuous front-end process vent stream prior to the combined vent stream being routed to a control device. In this paragraph (e)(1)(ii), the definition of control device as it relates to continuous front-end process vents shall be used. Furthermore, the combined vent stream discussed in this paragraph (e)(1)(ii) shall be subject to § 63.485(o)(1).

(iii) The batch front-end process vent or aggregate batch vent stream is combined with a continuous front-end process vent stream prior to being routed to a recovery device. In this paragraph (e)(1)(iii), the definition of recovery device as it relates to continuous front-end process vents shall be used. Furthermore, the combined vent stream discussed in this paragraph (e)(1)(iii) shall be subject to § 63.485(o)(2).

(2) If the batch front-end process vent or aggregate batch vent stream is combined with a Group 2 continuous front-end process vent, the group status of the batch front-end process vent shall be determined prior to its combination with the Group 2 continuous front-end process vent, in accordance with § 63.488, and the combined vent stream shall be subject to the requirements for aggregate batch vent streams in § 63.486 through 63.492.

(f) *Group 2 batch front-end process vents with annual emissions greater than or equal to the level specified in § 63.488(d).* The owner or operator of a Group 2 batch front-end process vent with annual emissions greater than or equal to the level specified in

§ 63.488(d) shall comply with the provisions of paragraph (f)(1), (f)(2), or (h) of this section.

(1) The owner or operator shall comply with the requirements in paragraphs (f)(1)(i) through (f)(1)(iv) of this section.

(i) The owner or operator shall establish a batch mass input limitation that ensures that the Group 2 batch front-end process vent does not become a Group 1 batch front-end process vent.

(ii) Over the course of the affected source's ''year,'' as reported in the Notification of Compliance Status in accordance with § 63.506(e)(5)(iv), the owner or operator shall not charge a mass of HAP or material to the batch unit operation that is greater than the level established as the batch mass input limitation.

(iii) The owner or operator of an affected source shall comply with the recordkeeping requirements in § 63.491(d)(2), and the reporting requirements in § 63.492(a)(3), (b) and (c).

(iv) The owner or operator of an affected source shall comply with § 63.488(i) when process changes are made.

(2) Comply with the requirements of this subpart for Group 1 batch front-end process vents.

(g) *Group 2 batch front-end process vents with annual emissions less than the level specified in § 63.488(d).* The owner or operator of a Group 2 batch front-end process vent with annual organic HAP emissions less than the level specified in § 63.488(d), shall comply with paragraph (g)(1), (g)(2), (g)(3), or (g)(4) of this section.

(1) The owner or operator of the affected source shall comply with the requirements in paragraphs (g)(1)(i) through (g)(1)(iv) of this section.

(i) The owner or operator shall establish a batch mass input limitation that ensures emissions do not exceed the appropriate level specified in § 63.488(d).

(ii) Over the course of the affected source's ''year,'' as reported in the Notification of Compliance Status in accordance with § 63.506(e)(5)(iv), the owner or operator shall not charge a mass of HAP or material to the batch unit operation that is greater than the level established as the batch mass input limitation.

(iii) The owner or operator of the affected source shall coply with the recordkeeping requirements in § 63.491(d)(1), and the reporting requirements in § 63.492(a)(2), (b), and (c).

(iv) The owner or operator of the affected source shall comply with § 63.488(i) when process changes are made.

(2) Comply with the requirements of paragraph (f)(1) of this section;

(3) Comply with the requirements of paragraph (f)(2) of this section; or

(4) Comply with the requirements of paragraph (h) of this section.

(h) Owners or operators of Group 2 batch front-end process vents are not required to establish a batch mass input limitation if the batch front-end process vent is Group 2 at the conditions specified in paragraphs (h)(1) and (h)(2) of this section and if the owner or operator complies with the recordkeeping provisions in §§ 63.491(a)(1) through (3), 63.491(a)(9), and 63.491(a)(4) through (6) as applicable, and the reporting requirements in § 63.492(a)(5) and (6) and (b).

(1) Emissions for the single highest-HAP recipe (considering all products that are produced in the batch unit operation) are used in the group determination; and

(2) The group determination assumes that the batch unit operation is operating at the maximum design capacity of the EPPU for 12 months.

10. Section 63.488 is amended by:

a. Revising paragraphs (a)(1), (b) introductory text, (b)(1), (b)(2), (b)(3), (b)(4)(i), (b)(4)(ii)(B)(*1*), (b)(4)(iii), (b)(5) introductory text, (b)(5)(i), through (iv), (b)(5)(v) introductory text, (b)(5)(v)(A), (b)(6), (d), (e) introductory text, (e)(1) introductory text, (e)(1)(i), (e)(1)(iii), (e)(2), (e)(3), (g), (h)(1) introductory text, (h)(1)(iii), (h)(1)(iv), (h)(2) and (i), and

b. Adding paragraph (b)(9), to read as follows:

§ 63.488 Methods and procedures for batch front-end process vent group determination.

(a) * * *

(1) The procedures specified in paragraphs (b) through (g) shall be followed to determine the group status of each batch front-end process vent. This determination shall be made in accordance with either paragraph (a)(1)(i) or (a)(1)(ii) of this section.

(i) An owner or operator may choose to determine the group status of a batch front-end process vent based on the expected mix of products. For each product, emission characteristics of the single highest-HAP recipe, as defined in paragraph (a)(1)(iii) of this section, for that product, shall be used in the procedures in paragraphs (b) through (i) of this section.

(ii) An owner or operator may choose to determine the group status of a batch front-end process vent based on annualized production of the single highest-HAP recipe, as defined in paragraph (a)(1)(iii) of this section, considering all products produced or processed in the batch unit operation. The annualized production of the highest-HAP recipe shall be based exclusively on the production of the single highest-HAP recipe of all products produced or processed in the batch unit operation for a 12 month period. The production level used may be the actual production rate. It is not necessary to assume a maximum production rate (i.e., 8,760 hours per year at maximum design production).

(iii) The single highest-HAP recipe for a product means the recipe of the product with the highest total mass of HAP charged to the reactor during the production of a single batch of product.

* * * * *

(b) *Determination of annual emissions.* The owner or operator shall calculate annual uncontrolled TOC or organic HAP emissions for each batch front-end process vent using the methods described in paragraphs (b)(1) through (b)(8) of this section. To estimate emissions from a batch emissions episode, owners or operators may use either the emissions estimation equations in paragraphs (b)(1) through (b)(4) of this section, or direct measurement as specified in paragraph (b)(5) of this section. Engineering assessment may also be used to estimate emissions from a batch emission episode, but only under the conditions described in paragraph (b)(6) of this section. In using the emissions estimation equations in paragraphs (b)(1) through (b)(4) of this section, individual component vapor pressure and molecular weight may be obtained from standard references. Methods to determine individual HAP partial pressures in multicomponent systems are described in paragraph (b)(9) of this section. Other variables in the emissions estimation equations may be obtained through direct measurement, as defined in paragraph (b)(5) of this section, through engineering assessment, as defined in paragraph (b)(6)(ii) of this section, by process knowledge, or by any other appropriate means. Assumptions used in determining these variables must be documented. Once emissions for the batch emission episode have been determined using either the emissions estimation equations, direct measurement, or engineering assessment, emissions from a batch cycle shall be calculated in accordance with paragraph (b)(7) of this section, and annual emissions from the batch front-end process vent shall be

calculated in accordance with paragraph (b)(8) of this section.

(1) TOC or organic HAP emissions from the purging of an empty vessel shall be calculated using Equation 1. This equation does not take into account evaporation of any residual liquid in the vessel.

(2) TOC or organic HAP emissions from the purging of a filled vessel shall be calculated using Equation 2.

(3) Emissions from vapor displacement due to transfer of material into or out of a vessel shall be calculated using Equation 3.

$$E_{episode} = \frac{(y)(V)(P)(MW_{WAVG})}{RT} \qquad [Eq.\ 3]$$

where:

$E_{episode}$ = Emissions, kg/episode.

y = Saturated mole fraction of all TOC or organic HAP in vapor phase.

V = Volume of gas displaced from the vessel, m^3.

P = Pressure of vessel vapor space, kPa.

MW_{WAVG} = Weighted average molecular weight of TOC or organic HAP in vapor, determined in accordance with paragraph (b)(4)(i)(D) of this section, kg/kmol.

R = Ideal gas constant, 8.314 m^3 •kPa/kmol•°K.

T = Temperature of vessel vapor space, °K.

(4) * * *

(i) If the final temperature to which the vessel contents is heated is lower than 50 K below the boiling point of the HAP in the vessel, then emissions shall be calculated using the equations in paragraphs (b)(4)(i)(A) through (b)(4)(i)(D) of this section.

(A) Emissions caused by heating of a vessel shall be calculated using Equation 4. The assumptions made for this calculation are atmospheric pressure of 760 mm Hg and the displaced gas is always saturated with VOC vapor in equilibrium with the liquid mixture.

$$E_{episode} = \left[\frac{\dfrac{\sum_{i=1}^{n}(P_i)_{T1}}{101.325 - \sum_{i=1}^{n}(P_i)_{T1}} + \dfrac{\sum_{i=1}^{n}(P_i)_{T_2}}{101.325 - \sum_{i=1}^{n}(P_i)_{T2}}}{2} \right] * (\Delta\eta) \left[\frac{(MW_{WAVG,T1}) + (MW_{WAVG,T2})}{2} \right] \qquad [Eq.\ 4]$$

where:

$E_{episode}$ = Emissions, kg/episode.

$(P_i)_T1$, $(P_i)_T2$ = Partial pressure (kPa) TOC or each organic HAP in the vessel headspace at initial (T1) and final (T2) temperature.

n = Number of organic HAP in stream. Note: Summation is not applicable if TOC emissions are being estimated.

Δη = Number of kilogram-moles (kg-moles) of gas displaced, determined in accordance with paragraph (b)(4)(i)(B) of this section.

101.325 = Constant, kPa.

$(MW_{WAVG,}T1)$, $(MW_{WAVG,}T2)$ = Weighted average molecular weight of TOC or total organic HAP in the displaced gas stream, determined in accordance with paragraph (b)(4)(i)(D) of this section.

(B) The moles of gas displaced, Δη, is calculated using equation 5.

$$\Delta\eta = \frac{V_{fs}}{R}\left[\left(\frac{Pa_1}{T_1}\right) - \left(\frac{Pa_2}{T_2}\right)\right] \qquad [Eq.\ 5]$$

where:

Δη = Number of kg-moles of gas displaced.

V_{fs} = Volume of free space in the vessel, m^3.

R = Ideal gas constant, 8.314 m^3•kPa/kmol•K.

Pa_1 = Initial noncondensible gas partial pressure in the vessel, kPa.

Pa_2 = Final noncondensible gas partial pressure, kPa.

T_1 = Initial temperature of vessel, K.

T_2 = Final temperature of vessel, K.

(C) The initial and final pressure of the noncondensible gas in the vessel shall be calculated using equation 6.

$$Pa = 101.325 - \sum_{i=1}^{n}(P_i)_T \qquad [Eq.\ 6]$$

where:

Pa = Initial or final partial pressure of noncondensible gas in the vessel headspace, kPa.

101.325 = Constant, kPa.

$(P_i)_T$ = Partial pressure of TOC or each organic HAP i in the vessel headspace, kPa, at the initial or final temperature (T_1 or T_2).

n = Number of organic HAP in stream. Note: Summation is not applicable if TOC emissions are being estimated.

(D) The weighted average molecular weight of TOC or organic HAP in the displaced gas, MW_{WAVG}' shall be calculated using equation 7:

$$MW_{WAVG} = \frac{\sum_{i=1}^{n}(\text{mass of C})_i\ (\text{molecular weight of C})_i}{\sum_{i=1}^{n}(\text{mass of C})_i} \qquad [Eq.\ 7]$$

where:

c = TOC or organic HAP component

n = Number of TOC or organic HAP components in stream.

(ii) * * *

(B) * * *

(*1*) If the final temperature of the heatup is at or lower than 5 K below the boiling point, the final temperature for the last increment shall be the final temperature for the heatup, even if the last increment is less than 5 K.

* * * * *

(iii) If the vessel is operating with a condenser, and the vessel contents are heated to the boiling point, the primary condenser is considered part of the process, as described in § 63.488(a)(2). Emissions shall be calculated as the sum of Equation 4, which calculates emissions due to heating the vessel contents to the temperature of the gas exiting the condenser, and Equation 3, which calculates emissions due to the displacement of the remaining saturated noncondensible gas in the vessel. The final temperature in Equation 4 shall be set equal to the exit gas temperature of the condenser. Equation 3 shall be used as written below in Equation 3a, using free space volume, and T_2 is set equal to the condenser exit gas temperature.

$$E_{episode} = \frac{(y_i)(V_{fs})(P_T)(MW_{wavg})}{(R)\ (T)} \qquad \text{[Eq. 3a]}$$

where:

$E_{episode}$ = Emissions, kg/episode.

y_i = Saturated mole fraction of all TOC or organic HAP in the vapor phase.

V_{fs} = Volume of the free space in the vessel, m^3.

P_T = Pressure of the vessel vapor space, kPa.

MW_{WAVG} = Weighted average molecular weight of TOC or organic HAP in vapor, determined in accordance with paragraph (b)(4)(i)(D) of this section.

R = Ideal gas constant, 8.314 m^3•kPa/kmol•K.

T = Temperature of condenser exit stream K.

(5) The owner or operator may estimate annual emissions for a batch emission episode by direct measurement. If direct measurement is used, the owner or operator shall either perform a test for the duration of a representative batch emission episode or perform a test during only those periods of the batch emission episode for which the emission rate for the entire episode can be determined or for which the emissions are greater than the average emission rate of the batch emission episode. The owner or operator choosing either of these options shall develop an emission profile for the entire batch emission episode, based on either process knowledge or test data collected, to demonstrate that test periods are representative. Examples of information that could constitute process knowledge include calculations based on material balances and process stoichiometry. Previous test results may be used provided the results are still relevant to the current batch front-end process vent conditions. Performance tests shall follow the procedures specified in paragraphs (b)(5)(i) through (b)(5)(iii) of this section. The procedures in either paragraph (b)(5)(iv) or (b)(5)(v) of this section shall be used to calculate the emissions per batch emission episode.

(i) Method 1 or 1A, 40 CFR part 60, appendix A, as appropriate, shall be used for selection of the sampling sites if the flow measuring device is a pitot tube. No traverse is necessary when Method 2A or 2D, 40 CFR part 60, appendix A is used to determine gas stream volumetric flow rate.

(ii) Annual average batch vent flow rate shall be determined as specified in paragraph (e) of this section.

(iii) Method 18 or Method 25A, of 40 CFR part 60, appendix A, shall be used to determine the concentration of TOC or organic HAP, as appropriate. The use of Method 25A, 40 CFR part 60, appendix A shall conform with the requirements in paragraphs (b)(5)(iii)(A) and (b)(5)(iii)(B) of this section.

(A) The organic HAP used as the calibration gas for Method 25A, 40 CFR part 60, appendix A shall be the single organic HAP representing the largest percent by volume of the emissions.

(B) The use of Method 25A, 40 CFR part 60, appendix A is acceptable if the response from the high-level calibration gas is at least 20 times the standard deviation of the response from the zero calibration gas when the instrument is zeroed on the most sensitive scale.

(iv) If an integrated sample is taken over the entire batch emission episode to determine average batch vent concentration of TOC or total organic HAP, emissions shall be calculated using Equation 8.

$$E_{episode} = K\left[\sum_{j=1}^{n}(C_j)\ (M_j)\right] AFR\ (T_h) \qquad \text{[Eq. 8]}$$

where:

$E_{episode}$ = Emissions, kg/episode

K = Constant, 2.494×10^{-6} $(ppmv)^{-1}$ (gm-mole/scm) (kg/gm) (min/hr), where standard temperature is 20°C.

C_j = Average batch vent concentration of TOC or sample organic HAP component j of the gas stream for the batch emission episode, dry basis, ppmv.

M_j = Molecular weight of TOC or sample organic HAP component j of the gas stream, dry basis, gm/gm-mole.

AFR = Average batch vent flow rate of gas stream, dry basis, scmm.

T_h = Hours/episode

n = Number of organic HAP in stream. Note: Summation not applicable if TOC emissions are being estimated using a TOC concentration measured using Method 25A, 40 CFR part 60, appendix A.

(v) If grab samples are taken to determine the average batch vent concentration of TOC or total organic HAP, emissions shall be calculated according to paragraphs (b)(5)(v)(A) and (b)(5)(v)(B) of this section.

(A) For each measurement point, the emission rate shall be calculated using Equation 9.

$$E_{point} = K\left[\sum_{j=1}^{n} C_j M_j\right] FR \qquad \text{[Eq. 9]}$$

where:

E_{point} = Emission rate for individual measurement point, kg/hr.

K = Constant, 2.494×10^{-6} $(ppmv)^{-1}$ (gm-mole/scm) (kg/gm) (min/hr), where standard temperature is 20°C.

C_j = Concentration of TOC or sample organic HAP component j of the gas stream, dry basis, ppmv.
M_j = Molecular weight of TOC or sample organic HAP component j of the gas stream, gm/gm-mole.
FR = Flow rate of gas stream for the measurement point, dry basis, scmm.
n = Number of organic HAP in stream. Note: Summation not applicable if TOC emissions are being estimated using a TOC concentration measured using Method 25A, 40 CFR part 60, appendix A.

* * * * *

(6) Engineering assessment may be used to estimate emissions from a batch emission episode, if the criteria in paragraph (b)(6)(i) are met. Data or other information used to demonstrate that the criteria in paragraph (b)(6)(i) of this section have been met shall be reported as specified in paragraph (b)(6)(iii) of this section. Paragraph (b)(6)(ii) of this section defines engineering assessment, for the purposes of estimating emissions from a batch emissions episode. All data, assumptions, and procedures used in an engineering assessment shall be documented.

(i) If the criteria specified in paragraph (b)(6)(i)(A), (B), or (C) are met for a specific batch emission episode, the owner or operator may use engineering assessment, as described in paragraph (b)(6)(ii) of this section, to estimate emissions from that batch emission episode, and the owner or operator is not required to use the emissions estimation equations described in paragraphs (b)(1) through (b)(4) of this section to estimate emissions from that batch emission episode.

(A) Previous test data, where the measurement of organic HAP or TOC emissions was an outcome of the test, show a greater than 20 percent discrepancy between the test value and the value estimated using the applicable equations in paragraphs (b)(1) through (b)(4) of this section. Paragraphs (b)(6)(i)(A)(1) and (2) of this section describe test data that will be acceptable under this paragraph (b)(6)(i)(A).

(*1*) Test data for the batch emission episode obtained during production of the product for which the demonstration is being made.

(*2*) Test data obtained for a batch emission episode from another process train, where the test data were obtained during production of the product for which the demonstration is being made. Test data from another process train may be used only if the owner or operator can demonstrate that the data are representative of the batch emission episode for which the demonstration is being made, taking into account the nature, size, operating conditions, production rate, and sequence of process steps (e.g., reaction, distillation, etc.) of the equipment in the other process train.

(B) Previous test data obtained during the production of the product for which the demonstration is being made, for the batch emission episode with the highest organic HAP emissions on a mass basis, show a greater than 20 percent discrepancy between the test value and the value estimated using the applicable equations in paragraphs (b)(1) through (b)(4) of this section. If the criteria in this paragraph (b)(6)(i)(B) are met, then engineering assessment may be used for all batch emission episodes associated with that batch cycle for that batch unit operation.

(C) The owner or operator has requested approval to use engineering assessment to estimate emissions from a batch emissions episode. The request to use engineering assessment to estimate emissions from a batch emissions episode shall contain sufficient information and data to demonstrate to the Administrator that engineering assessment is an accurate means of estimating emissions for that particular batch emissions episode. The request to use engineering assessment to estimate emissions for a batch emissions episode shall be submitted in the Precompliance Report required under § 63.506(e)(3).

(ii) Engineering assessment includes, but is not limited to, the following:

(A) Previous test results, provided the test was representative of current operating practices.

(B) Bench-scale or pilot-scale test data obtained under conditions representative of current process operating conditions.

(C) Flow rate, TOC emission rate, or organic HAP emission rate specified or implied within a permit limit applicable to the batch front-end process vent.

(D) Design analysis based on accepted chemical engineering principles, measurable process parameters, or physical or chemical laws or properties. Examples of analytical methods include, but are not limited to:

(*1*) Use of material balances;

(*2*) Estimation of flow rate based on physical equipment design, such as pump or blower capacities;

(*3*) Estimation of TOC or organic HAP concentrations based on saturation conditions; and

(*4*) Estimation of TOC or organic HAP concentrations based on grab samples of the liquid or vapor.

(iii) Data or other information used to demonstrate that the criteria in paragraph (b)(6)(i) of this section have been met shall be reported as specified in paragraphs (b)(6)(iii)(A) and (b)(6)(iii)(B) of this section.

(A) Data or other information used to demonstrate that the criteria in paragraph (b)(6)(i)(A) or (b)(6)(i)(B) of this section have been met shall be reported in the Notification of Compliance Status, as required in § 63.492(a)(8).

(B) The request for approval to use engineering assessment to estimate emissions from a batch emissions episode as allowed under paragraph (b)(6)(i)(C) of this section, and sufficient data or other information for demonstrating to the Administrator that engineering assessment is an accurate means of estimating emissions for that particular batch emissions episode shall be submitted with the Precompliance Report, as required in § 63.506(e)(3).

* * * * *

(9) Individual HAP partial pressures in multicomponent systems shall be determined using the appropriate method specified in paragraphs (b)(9)(i) through (b)(9)(iii) of this section.

(i) If the components are miscible, use Raoult's law to calculate the partial pressures;

(ii) If the solution is a dilute aqueous mixture, use Henry's law constants to calculate partial pressures;

(iii) If Raoult's law or Henry's law are not appropriate or available, the owner or operator may use any of the options in paragraphs (b)(9)(iii)(A), (B), or (C) of this section.

(A) Experimentally obtained activity coefficients, Henry's law constants, or solubility data;

(B) Models, such as group-contribution models, to predict activity coefficients; or

(C) Assume the components of the system behave independently and use the summation of all vapor pressures from the HAPs as the total HAP partial pressure.

* * * * *

(d) *Minimum emission level exemption.* A batch front-end process vent with annual emissions of TOC or organic HAP less than 11,800 kg/yr is considered a Group 2 batch front-end process vent and the owner or operator of that batch front-end process vent shall comply with the requirements in § 63.487(f) or (g). Annual emissions of TOC or organic HAP are determined at the exit of the batch unit operation, as described in paragraph (a)(2) of this section, and are determined as specified in paragraph (b) of this section. The owner or operator of that batch front-end process vent is not required to comply with the provisions in paragraphs (e) through (g) of this section.

(e) *Determination of average batch vent flow rate and annual average batch vent flow rate.* The owner or operator shall determine the average batch vent flow rate for each batch emission episode in accordance with one of the procedures provided in paragraphs (e)(1) through (e)(2) of this section. The annual average batch vent flow rate for a batch front-end process vent shall be calculated as specified in paragraph (e)(3) of this section.

(1) Determination of the average batch vent flow rate for a batch emission episode by direct measurement shall be made using the procedures specified in paragraphs (e)(1)(i) through (e)(1)(iii) of this section.

(i) The vent stream volumetric flow rate (FR_i) for a batch emission episode, in scmm at 20°C, shall be determined using Method 2, 2A, 2C, or 2D of 40 CFR part 60, appendix A, as appropriate.

* * * * *

(iii) The average batch vent flow rate for a batch emission episode shall be calculated using Equation 13.

$$AFR_{episode} = \frac{\sum_{i=1}^{n} FR_i}{n} \qquad \text{[Eq. 13]}$$

where:

$AFR_{episode}$ = Average batch vent flow rate for the batch emission episode, scmm.

FR_i = Flow rate for individual measurement i, scmm.

n = Number of flow rate measurements taken during the batch emission episode.

(2) The average batch vent flow rate for a batch emission episode may be determined by engineering assessment, as defined in paragraph (b)(6)(i) of this section. All data, assumptions, and procedures used shall be documented.

(3) The annual average batch vent flow rate for a batch front-end process vent shall be calculated using Equation 14.

$$AFR = \frac{\sum_{i=1}^{n} (DUR_i)(AFR_{episode,\,i})}{\sum_{i=1}^{n} (DUR_i)} \qquad \text{[Eq. 14]}$$

where:

AFR = Annual average batch vent flow rate for the batch front-end process vent, scmm.

DUR_i = Duration of type i batch emission episodes annually, hr/yr.

$AFR_{episode}$ = Average batch vent flow rate for type i batch emission episode, scmm.

n = Number of types of batch emission episodes venting from the batch front-end process vent.

* * * * *

(g) *Group 1/Group 2 status determination.* The owner or operator shall compare the cutoff flow rate, calculated in accordance with paragraph (f) of this section, with the annual average batch vent flow rate, determined in accordance with paragraph (e)(3) of this section. The group determination status for each batch front-end process vent shall be made using the criteria specified in paragraphs (g)(1) and (g)(2) of this section.

(1) If the cutoff flow rate is greater than or equal to the annual average batch vent flow rate of the stream, the batch front-end process vent is classified as a Group 1 batch front-end process vent.

(2) If the cutoff flow rate is less than the annual average batch vent flow rate of the stream, the batch front-end process vent is classified as a Group 2 batch front-end process vent.

(h) * * *

(1) The concentration of each organic compound containing halogen atoms (ppmv, by compound) for each batch emission episode shall be determined based on any one of the following procedures:

* * * * *

(iii) Average concentration of organic compounds containing halogens and hydrogen halides as measured by Method 26 or 26A of 40 CFR part 60, appendix A.

(iv) Any other method or data that has been validated according to the applicable procedures in Method 301, 40 CFR part 63, appendix A.

(2) The annual mass emissions of halogen atoms for a batch front-end process vent shall be calculated using Equation 16.

$$E_{halogen} = K\left[\sum_{j=1}^{n}\sum_{i=1}^{m}\left(C_{avg_j}\right)\left(L_{j,\,i}\right)\left(M_{j,\,i}\right)\right]AFR \qquad \text{[Eq. 16]}$$

where:

$E_{halogen}$ = Mass of halogen atoms, dry basis, kg/yr.

K = Constant, 0.022 $(ppmv)^{-1}$ (kg-mole per scm) (min/yr), where standard temperature is 20°C.

AFR = Annual average batch vent flow rate of the batch front-end process vent, determined according to paragraph (e) of this section, scmm.

$M_{j,i}$ = Molecular weight of halogen atom i in compound j, kg/kg-mole.

$L_{j,i}$ = Number of atoms of halogen i in compound j.

n = Number of halogenated compounds j in the batch front-end process vent.

m = Number of different halogens i in each compound j of the batch front-end process vent.

C_{avgj} = Annual average batch vent concentration of halogenated compound j in the batch front-end process vent, as determined by using Equation 17, dry basis, ppmv.

$$C_{avg_j} = \frac{\sum_{i=1}^{n}(DUR_i)(C_i)}{\sum_{i=1}^{n}(DUR_i)} \qquad \text{[Eq. 17]}$$

where:

DUR_i = Duration of type i batch emission episodes annually, hr/yr.

C_i = Average batch vent concentration of halogenated compound j in type i batch emission episode, ppmv.

n = Number of types of batch emission episodes venting from the batch front-end process vent.

* * * * *

(i) *Process changes affecting Group 2 batch front-end process vents.* Whenever process changes, as described in paragraph (i)(1) of this section, are made that affect one or more Group 2 batch front-end process vents and that could reasonably be expected to change one or more Group 2 batch front-end process vents to Group 1 batch front-end process vents or that could reasonably be expected to reduce the batch mass input limitation for one or more Group 2 batch front-end process vents, the owner or operator of the affected source shall comply with paragraphs (i)(2) and (i)(3) of this section.

(1) Examples of process changes include the changes listed in paragraphs (i)(1)(i), (i)(1)(ii), and (i)(1)(iii) of this section.

(i) For all batch front-end process vents, examples of process changes include, but are not limited to, changes in feedstock type or catalyst type; or whenever there is replacement, removal, or modification of recovery equipment considered part of the batch unit operation as specified in paragraph (a)(2) of this section; or increases in production capacity or production rate. For purposes of this paragraph, process changes do not include: Process upsets; unintentional, temporary process changes; and changes that are within the margin of variation on which the original group determination was based.

(ii) For Group 2 batch front-end process vents where the group determination and batch mass input limitation are based on the expected mix of products, the situations described in paragraphs (i)(1)(ii)(A) and (B) of this section shall be considered to be process changes.

(A) The production of combinations of products not considered in establishing the batch mass input limitation.

(B) The production of a recipe of a product with a total mass of HAP charged to the reactor during the production of a single batch of product that is higher than the total mass of HAP for the recipe used as the single highest-HAP recipe for that product in the batch mass input limitation determination.

(iii) For Group 2 batch front-end process vents where the group determination and batch mass input limitation are based on the single highest-HAP recipe (considering all products produced or processed in the batch unit operation), the production of a recipe having a total mass of HAP charged to the reactor (during the production of a single batch of product) that is higher than the total mass of HAP for the highest-HAP recipe used in the batch mass input limitation determination shall be considered to be a process change.

(2) For each batch front-end process vent affected by a process change, the owner or operator shall redetermine the group status by repeating the procedures specified in paragraphs (b) through (g) of this section, as applicable. Alternatively, engineering assessment, as described in paragraph (b)(6)(i) of this section, may be used to determine the effects of the process change.

(3) Based on the results of paragraph (i)(2) of this section, owners or operators of affected sources shall comply with either paragraph (i)(3)(i), (ii), or (iii) of this section.

(i) If the group redetermination described in paragraph (i)(2) of this section indicates that a Group 2 batch front-end process vent has become a Group 1 batch front-end process vent as a result of the process change, the owner or operator of the affected source shall submit a report as specified in § 63.492(b) and shall comply with the Group 1 provisions in §§ 63.487 through 63.492 in accordance with § 63.480(i)(2)(ii).

(ii) If the redetermination described in paragraph (i)(2) of this section indicates that a Group 2 batch front-end process vent with annual emissions less than the applicable level specified in paragraph (d) of this section, and that is in compliance with § 63.487(g), now has annual emissions greater than or equal to the applicable level specified by paragraph (d) of this section but remains a Group 2 batch front-end process vent, the owner or operator of the affected source shall comply with the provisions in paragraphs (i)(3)(ii)(A) through (C) of this section.

(A) Redetermine the batch mass input limitation;

(B) Submit a report as specified in § 63.492(c); and

(C) Comply with § 63.487(f), beginning with the year following the submittal of the report submitted according to paragraph (i)(3)(ii)(B) of this section.

(iii) If the group redetermination described in paragraph (i)(2) of this section indicates no change in group status or no change in the relation of annual emissions to the levels specified in paragraph (d) of this section, the owner or operator of the affected source shall comply with paragraphs (i)(3)(iii)(A) and (i)(3)(iii)(B) of this section.

(A) The owner or operator shall redetermine the batch mass input limitation; and

(B) The owner or operator shall submit the new batch mass input limitation in accordance with § 63.492(c).

11. Section 63.489 is amended by revising the section title and paragraphs (a) introductory text, (a)(2), (b) introductory text, (b)(4) introductory text, (b)(4)(ii), (b)(7), (c) introductory text, (d) introductory text, (d)(2), (e)(1) introductory text, (e)(1)(ii), and (e)(3); and removing paragraph (d)(3), to read as follows:

§ 63.489 Batch front-end process vents—monitoring equipment.

(a) *General requirements.* Each owner or operator of a batch front-end process vent or aggregate batch vent stream that uses a control device to comply with the requirements in § 63.487(a)(2) or § 63.487(b)(2) shall install the monitoring equipment specified in paragraph (b) of this section. All monitoring equipment shall be installed, calibrated, maintained, and operated according to the manufacturer's specifications or other written procedures that provide adequate assurance that the equipment would reasonably be expected to monitor accurately.

* * * * *

(2) Except as otherwise provided in this subpart, the owner or operator shall operate control devices such that the daily average of monitored parameters,

established as specified in paragraph (e) of this section, remains above the minimum level or below the maximum level, as appropriate.

(b) *Batch front-end process vent and aggregate batch vent stream monitoring equipment.* The monitoring equipment specified in paragraphs (b)(1) through (b)(8) of this section shall be installed as specified in paragraph (a) of this section. The parameters to be monitored are specified in Table 6 of this subpart.

* * * * *

(4) Where a scrubber is used with an incinerator, boiler, or process heater in concert with the combustion of halogenated batch front-end process vents or halogenated aggregate batch vent streams, the following monitoring equipment is required for the scrubber:

* * * * *

(ii) A flow measurement device equipped with a continuous recorder shall be located at the scrubber influent for liquid flow. Gas stream flow shall be determined using one of the procedures specified in paragraphs (b)(4)(ii)(A) through (b)(4)(ii)(C) of this section.

(A) The owner or operator may determine gas stream flow using the design blower capacity, with appropriate adjustments for pressure drop.

(B) If the scrubber is subject to regulations in 40 CFR parts 264 through 266 that have required a determination of the liquid to gas (L/G) ratio prior to the applicable compliance date for this subpart, the owner or operator may determine gas stream flow by the method that had been utilized to comply with those regulations. A determination that was conducted prior to the compliance date for this subpart may be utilized to comply with this subpart if it is still representative.

(C) The owner or operator may prepare and implement a gas stream flow determination plan that documents an appropriate method which will be used to determine the gas stream flow. The plan shall require determination of gas stream flow by a method which will at least provide a value for either a representative or the highest gas stream flow anticipated in the scrubber during representative operating conditions other than start-ups, shutdowns, or malfunctions. The plan shall include a description of the methodology to be followed and an explanation of how the selected methodology will reliably determine the gas stream flow, and a description of the records that will be maintained to document the determination of gas stream flow. The owner or operator shall maintain the plan as specified in § 63.506(a).

* * * * *

(7) Where a carbon adsorber is used, an integrating regeneration steam flow, nitrogen flow, or pressure monitoring device having an accuracy of ±10 percent of the flow rate, level, or pressure, or better, capable of recording the total regeneration steam flow or nitrogen flow, or pressure (gauge or absolute) for each regeneration cycle; and a carbon bed temperature monitoring device, capable of recording the carbon bed temperature after each regeneration and within 15 minutes of completing any cooling cycle are required.

* * * * *

(c) *Alternative monitoring parameters.* An owner or operator of a batch front-end process vent or aggregate batch vent stream may request approval to monitor parameters other than those required by paragraph (b) of this section. The request shall be submitted according to the procedures specified in § 63.492(e) and § 63.506(f). Approval shall be requested if the owner or operator:

* * * * *

(d) *Monitoring of bypass lines.* The owner or operator of a batch front-end process vent or aggregate batch vent stream using a vent system that contains bypass lines that could divert emissions away from a control device used to comply with § 63.487(a) or § 63.487(b) shall comply with either paragraph (d)(1) or (d)(2) of this section. Equipment such as low leg drains, high point bleeds, analyzer vents, open-ended valves or lines, and pressure relief valves needed for safety purposes are not subject to this paragraph (d).

* * * * *

(2) Secure the bypass line damper or valve in the non-diverting position with a car-seal or a lock-and-key type configuration. A visual inspection of the seal or closure mechanism shall be performed at least once every month to ensure that the damper or valve is maintained in the non-diverting position and emissions are not diverted through the bypass line. Records shall be generated as specified in § 63.491(e)(4).

(e) * * *

(1) For each parameter monitored under paragraph (b) or (c) of this section, the owner or operator shall establish a level, defined as either a maximum or minimum operating parameter as denoted in Table 7 of this subpart, that indicates proper operation of the control device. The level shall be established in accordance with the procedures specified in § 63.505. The level may be based upon a prior performance test conducted for determining compliance with a regulation promulgated by the EPA, and the owner or operator is not required to conduct a performance test under § 63.490, provided that the prior performance test meets the conditions of § 63.490(b)(3).

* * * * *

(ii) For aggregate batch vent streams using a control device to comply with § 63.487(b)(2), the established level shall reflect the emission reduction requirement of 90 percent specified in § 63.487(b)(2).

* * * * *

(3) The operating day shall be defined as part of establishing the parameter monitoring level and shall be submitted with the information in paragraph (e)(2) of this section. The definition of operating day shall specify the time(s) at which an operating day begins and ends. The operating day shall not exceed 24 hours.

12. Section 63.490 is amended by:

a. Revising paragraphs (a), (b) introductory text, (b)(3), (b)(5), (c) introductory text, (c)(1)(i)(A), (c)(1)(i)(B) introductory text, (c)(1)(i)(C), (c)(1)(i)(D), (c)(1)(ii), (c)(1)(iii) introductory text, (c)(1)(iii)(A), (c)(1)(v), (c)(2) introductory text, (d)(1), (d)(2)(ii), (d)(3), (d)(4), (d)(5), (e), and (f); and

b. Removing paragraph (b)(6), to read as follows:

§ 63.490 Batch front-end process vents—performance test methods and procedures to determine compliance.

(a) *Use of a flare.* When a flare is used to comply with § 63.487(a)(1) or § 63.487(b)(1), the owner or operator of an affected source shall comply with § 63.504(c).

(b) *Exceptions to performance tests.* An owner or operator is not required to conduct a performance test when a control device specified in paragraphs (b)(1) through (b)(5) of this section is used to comply with § 63.487(a)(2).

* * * * *

(3) A control device for which a performance test was conducted for determining compliance with a regulation promulgated by the EPA and the test was conducted using the same Methods specified in this section and either no deliberate process changes have been made since the test, or the owner or operator can demonstrate that the results of the performance test, with or without adjustments, reliably demonstrate compliance despite process changes.

* * * * *

(5) A hazardous waste incinerator for which the owner or operator has been

issued a final permit under 40 CFR part 270 and complies with the requirements of 40 CFR part 264, subpart O, or has certified compliance with the interim status requirements of 40 CFR part 265, subpart O.

(c) *Batch front-end process vent testing and procedures for compliance with § 63.487(a)(2).* Except as provided in paragraph (a) or (b) of this section, an owner or operator using a control device to comply with § 63.487(a)(2) shall conduct a performance test using the procedures specified in paragraph (c)(1) of this section in order to determine the control efficiency of the control device. An owner or operator shall determine the percent reduction for the batch cycle using the control efficiency of the control device as specified in paragraphs (c)(2)(i) through (c)(2)(iii) of this section and the procedures specified in paragraph (c)(2) of this section. Compliance may be based on either total organic HAP or TOC. For purposes of this paragraph (c), the term ''batch emission episode'' shall have the meaning ''period of the batch emission episode selected for control,'' which may be the entire batch emission episode or may only be a portion of the batch emission episode.

(1) * * *

(i) * * *

(A) Alternatively, an owner or operator may choose to test only those periods of the batch emission episode during which the emission rate for the entire episode can be determined or during which the emissions are greater than the average emission rate of the batch emission episode. The owner or operator choosing either of these options shall develop an emission profile for the entire batch emission episode, based on either process knowledge or test data collected, to demonstrate that test periods are representative. Examples of information that could constitute process knowledge include calculations based on material balances and process stoichiometry. Previous test results may be used, provided the results are still relevant to the current batch front-end process vent conditions.

(B) Method 1 or 1A, 40 CFR part 60, appendix A, as appropriate, shall be used for selection of the sampling sites if the flow measuring device is a pitot tube, except that references to particulate matter in Method 1A do not apply for the purposes of this subpart. No traverse is necessary when Method 2A or 2D, 40 CFR part 60, appendix A is used to determine gas stream volumetric flow rate. Inlet sampling sites shall be located as specified in paragraphs (c)(1)(i)(B)(*1*) and (c)(1)(i)(B)(*2*) of this section. Outlet sampling sites shall be located at the outlet of the final control device prior to release to the atmosphere.

* * * * *

(C) Gas stream volumetric flow rate and/or average batch vent flow rate shall be determined as specified in § 63.488(e).

(D) Method 18 or Method 25A of 40 CFR part 60, appendix A, shall be used to determine the concentration of organic HAP or TOC, as appropriate. Alternatively, any other method or data that has been validated according to the applicable procedures in Method 301, 40 CFR part 63, appendix A, may be used. The use of Method 25A, 40 CFR part 60, appendix A shall conform with the requirements in paragraphs (c)(1)(i)(D)(*1*) and (c)(1)(i)(D)(*2*) of this section.

(*1*) The organic HAP used as the calibration gas for Method 25A, 40 CFR part 60, appendix A shall be the single organic HAP representing the largest percent by volume of the emissions.

(*2*) The use of Method 25A, 40 CFR part 60, appendix A is acceptable if the response from the high-level calibration gas is at least 20 times the standard deviation of the response from the zero calibration gas when the instrument is zeroed on the most sensitive scale.

(ii) If an integrated sample is taken over the entire batch emission episode to determine the average batch vent concentration of TOC or total organic HAP, emissions per batch emission episode shall be calculated using Equations 18 and 19.

$$E_{episode,\ inlet} = K\left[\sum_{j=1}^{n}\left(C_{j,\ inlet}\right)\left(M_j\right)\right]\left(AFR_{inlet}\right)\left(T_h\right) \qquad \text{[Eq. 18]}$$

$$E_{episode,\ outlet} = K\left[\sum_{j=1}^{n}\left(C_{j,\ outlet}\right)\left(M_j\right)\right]\left(AFR_{outlet}\right)\left(T_h\right) \qquad \text{[Eq. 19]}$$

where:

$E_{episode}$ = Inlet or outlet emissions, kg/episode.

K = Constant, 2.494×10^{-6} $(ppmv)^{-1}$ (gm-mole/scm) (kg/gm) (min/hr), where standard temperature is 20°C.

C_j = Average inlet or outlet concentration of TOC or sample organic HAP component j of the gas stream for the batch emission episode, dry basis, ppmv.

M_j = Molecular weight of TOC or sample organic HAP component j of the gas stream, gm/gm-mole.

AFR = Average inlet or outlet flow rate of gas stream for the batch emission episode, dry basis, scmm.

T_h = Hours/episode.

n = Number of organic HAP in stream.

Note: Summation is not applicable if TOC emissions are being estimated using a TOC concentration measured using Method 25A, 40 CFR part 60, appendix A.

(iii) If grab samples are taken to determine the average batch vent concentration of TOC or total organic HAP, emissions shall be calculated according to paragraphs (c)(1)(iii)(A) and (c)(1)(iii)(B) of this section.

(A) For each measurement point, the emission rates shall be calculated using Equations 20 and 21.

$$E_{point,\ inlet} = K\left[\sum_{j=1}^{n} C_j M_j\right] FR_{inlet} \qquad \text{[Eq. 20]}$$

$$E_{point,\ outlet} = K\left[\sum_{j=1}^{n} C_j M_j\right] FR_{outlet} \qquad \text{[Eq. 21]}$$

where:

E_{point} = Inlet or outlet emission rate for the measurement point, kg/hr.

K = Constant, 2.494×10^{-6} $(ppmv)^{-1}$ (gm-mole/scm) (kg/gm) (min/hr), where standard temperature is 20°C.

Cj = Inlet or outlet concentration of TOC or sample organic HAP component j of the gas stream, dry basis, ppmv.

Mj = Molecular weight of TOC or sample organic HAP component j of the gas stream, gm/gm-mole.

FR = Inlet or outlet flow rate of gas stream for the measurement point, dry basis, scmm.

n = Number of organic HAP in stream. Note: Summation is not applicable if TOC emissions are being estimated using a TOC concentration measured using Method 25A, 40 CFR part 60, appendix A.

* * * * *

(v) If the batch front-end process vent entering a boiler or process heater with a design capacity less than 44 megawatts is introduced with the combustion air or as a secondary fuel, the weight-percent reduction of total organic HAP or TOC across the device shall be determined by comparing the TOC or total organic HAP in all combusted batch front-end process vents and primary and secondary fuels with the TOC or total organic HAP, respectively, exiting the combustion device.

(2) The percent reduction for the batch cycle shall be determined using Equation 25 and the control device efficiencies specified in paragraphs (c)(2)(i) through (c)(2)(iii) of this section. All information used to calculate the batch cycle percent reduction, including a definition of the batch cycle identifying all batch emission episodes, shall be recorded as specified in § 63.491(b)(2). This information shall include identification of those batch emission episodes, or portions thereof, selected for control.

$$\text{Percent Reduction} = \frac{\sum_{i=1}^{n} E_{unc} + \sum_{i=1}^{n} E_{inlet,\ con} - \sum_{i=1}^{n} (1-R)\left(E_{inlet,\ con}\right)}{\sum_{i=1}^{n} E_{unc} + \sum_{i=1}^{n} E_{inlet,\ con}} 100 \qquad \text{[Eq. 25]}$$

where:

E_{unc} = Mass rate of TOC or total organic HAP for uncontrolled batch emission episode i, kg/hr.

$E_{inlet\ con}$ = Mass rate of TOC or total organic HAP for controlled batch emission episode i at the inlet to the control device, kg/hr.

R = Control efficiency of control device as specified in paragraphs (c)(2)(i) through (c)(2)(iii) of this section.

n = Number of uncontrolled batch emission episodes, controlled batch emission episodes, and control devices. The value of n is not necessarily the same for these three items.

* * * * *

(d) * * *

(1) Sampling sites shall be located at the inlet and outlet of the scrubber or other halogen reduction device used to reduce halogen emissions in complying with § 63.487(c)(1) or at the outlet of the halogen reduction device used to reduce halogen emissions in complying with § 63.487(c)(2).

(2) * * *

(ii) Gas stream volumetric flow rate and/or average batch vent flow rate shall be determined as specified in § 63.488(e).

(3) To determine compliance with the percent reduction specified in § 63.487(c)(1), the mass emissions for any hydrogen halides and halogens present at the inlet of the scrubber or other halogen reduction device shall be summed together. The mass emissions of any hydrogen halides or halogens present at the outlet of the scrubber or other halogen reduction device shall be summed together. Percent reduction shall be determined by subtracting the outlet mass emissions from the inlet mass emissions and then dividing the result by the inlet mass emissions and multiplying by 100.

(4) To determine compliance with the emission limit specified in § 63.487(c)(2), the annual mass emissions for any hydrogen halides and halogens present at the outlet of the halogen reduction device and prior to any combustion device shall be summed together and compared to the emission limit specified in § 63.487(c)(2).

(5) The owner or operator may use any other method to demonstrate compliance if the method or data has been validated according to the applicable procedures of Method 301, 40 CFR part 63, appendix A.

(e) *Aggregate batch vent stream testing for compliance with § 63.487(b)(2).* Except as specified in paragraphs (e)(1) through (e)(2) of this section, owners or operators of aggregate batch vent streams complying with § 63.487(b)(2) shall conduct a performance test using the performance testing procedures for continuous front-end process vents in § 63.116(c).

(1) For the purposes of this subpart, when the provisions of § 63.116(c) specify that Method 18, 40 CFR part 60, appendix A shall be used, Method 18 or Method 25A, 40 CFR part 60, appendix A may be used. The use of Method 25A, 40 CFR part 60, appendix A shall conform with the requirements in paragraphs (e)(1)(i) and (e)(1)(ii) of this section.

(i) The organic HAP used as the calibration gas for Method 25A, 40 CFR part 60, appendix A shall be the single organic HAP representing the largest percent by volume of the emissions.

(ii) The use of Method 25A, 40 CFR part 60, appendix A is acceptable if the response from the high-level calibration gas is at least 20 times the standard deviation of the response from the zero calibration gas when the instrument is zeroed on the most sensitive scale.

(2) When § 63.116(c)(4) refers to complying with an emission reduction of 98 percent, for the purposes of this subpart, the 90 percent reduction requirement specified in § 63.487(b)(2) shall apply.

(f) *Batch mass input limitation.* The batch mass input limitation required by § 63.487(g)(1) shall be determined by the owner or operator such that annual emissions for the batch front-end process vent remain less than the level specified in § 63.488(d). The batch mass input limitation required by

§ 63.487(f)(1) shall be determined by the owner or operator such that annual emissions remain at a level that ensures that the batch front-end process vent remains a Group 2 batch front-end process vent, given the actual annual flow rate for that batch front-end process vent determined according to § 63.488(e)(3). The batch mass input limitation shall be determined using the same basis, as described in § 63.488(a)(1), used to make the group determination (i.e., expected mix of products or highest-HAP recipe). The establishment of the batch mass input limitation is not dependent upon any past production or activity level.

(1) If the expected mix of products serves as the basis for the batch mass input limitation, the batch mass input limitation shall be determined based on any foreseeable combination of products that the owner or operator expects to manufacture.

(2) If the single highest-HAP recipe serves as the basis for the batch mass input limitation, the batch mass input limitation shall be determined based solely on the production of the single highest-HAP recipe, considering all products produced or processed in the batch unit operation.

13. Section 63.491 is amended by:

a. Revising paragraphs (a) introductory text, (a)(1), (a)(2), (a)(3)(i), (a)(4), (a)(7), (a)(8), (a)(9), (b) introductory text, (b)(1), (b)(2), (b)(3)(ii), (b)(3)(iii), (b)(4)(iv), (d)(1), (d)(2), (e) introductory text, (e)(1)(i), (e)(1)(ii), (e)(2) introductory text, (e)(2)(i), (e)(2)(ii), (e)(3), (e)(4) introductory text, and (e)(4)(i), and (f);

b. Adding paragraph (g); and

c. Removing and reserving paragraph (e)(4)(ii), to read as follows:

§ 63.491 Batch front-end process vents—recordkeeping requirements.

(a) *Group determination records for batch front-end process vents.* Except as provided in paragraphs (a)(7) and (a)(8) of this section, each owner or operator of an affected source shall maintain the records specified in paragraphs (a)(1) through (a)(6) of this section for each batch front-end process vent subject to the group determination procedures of § 63.488. Except for paragraph (a)(1) of this section, the records required to be maintained by this paragraph are limited to the information developed and used to make the group determination under §§ 63.488(b) through 63.488(g), as appropriate. If an owner or operator did not need to develop certain information (e.g., annual average batch vent flow rate) to determine the group status, this paragraph does not require that additional information be developed. Paragraph (a)(9) of this section specifies the recordkeeping requirements for Group 2 batch front-end process vents that are exempt from the batch mass input limitation provisions, as allowed under § 63.487(h).

(1) An identification of each unique product that has emissions from one or more batch emission episodes venting from the batch front-end process vent, along with an identification of the single highest-HAP recipe for each product and the mass of HAP fed to the reactor for that recipe.

(2) A description of, and an emission estimate for, each batch emission episode, and the total emissions associated with one batch cycle, as described in either paragraph (a)(2)(i) or (a)(2)(ii) of this section, as appropriate.

(i) If the group determination is based on the expected mix of products, records shall include the emission estimates for the single highest-HAP recipe of each unique product identified in paragraph (a)(1) of this section that was considered in making the group determination under § 63.488.

(ii) If the group determination is based on the single highest-HAP recipe (considering all products produced or processed in the batch unit operation), records shall include the emission estimates for the single highest-HAP recipe.

(3) * * *

(i) For Group 2 batch front-end process vents, emissions shall be determined at the batch mass input limitation.

* * * * *

(4) The annual average batch vent flow rate for the batch front-end process vent as determined in accordance with § 63.488(e).

* * * * *

(7) If a batch front-end process vent is subject to § 63.487(a) or § 63.487(b), none of the records in paragraphs (a)(1) through (a)(6) of this section are required.

(8) If the total annual emissions from the batch front-end process vent during the group determination are less than the appropriate level specified in § 63.488(d), only the records in paragraphs (a)(1) through (a)(3) of this section are required.

(9) For each Group 2 batch front-end process vent that is exempt from the batch mass input limitation provisions because it meets the criteria of § 63.487(h), the records specified in paragraphs (a)(9)(i) and (ii) shall be maintained.

(i) Documentation of the maximum design capacity of the EPPU; and

(ii) The mass of HAP or material that can be charged annually to the batch unit operation at the maximum design capacity.

(b) *Compliance demonstration records.* Each owner or operator of a batch front-end process vent or aggregate batch vent stream complying with § 63.487(a) or (b), shall keep the following records, as applicable, readily accessible:

(1) The annual mass emissions of halogen atoms in the batch front-end process vent or aggregate batch vent stream determined according to the procedures specified in § 63.488(h).

(2) If the owner or operator of a batch front-end process vent has chosen to comply with § 63.487(a)(2), records documenting the batch cycle percent reduction as specified in § 63.490(c)(2).

(3) * * *

(ii) All visible emission readings, heat content determinations, flow rate measurements, and exit velocity determinations made during the compliance determination required by § 63.504(c); and

(iii) Periods when all pilot flames were absent.

(4) * * *

(iv) For a scrubber or other halogen reduction device following a combustion device to control halogenated batch front-end process vents or halogenated aggregate batch vent streams, the percent reduction of total hydrogen halides and halogens, as determined under § 63.490(d)(3) or the emission limit determined under § 63.490(d)(4).

* * * * *

(d) * * *

(1) The owner or operator of a Group 2 batch front-end process vent required to comply with § 63.487(g) shall keep the following records readily accessible:

(i) Records designating the established batch mass input limitation required by § 63.487(g)(1) and specified in § 63.490(f).

(ii) Records specifying the mass of HAP or material charged to the batch unit operation.

(2) The owner or operator of a Group 2 batch front-end process vent complying with § 63.487(f) shall keep the following records readily accessible:

(i) Records designating the established batch mass input limitation required by § 63.487(f)(1) and specified in § 63.490(f).

(ii) Records specifying the mass of HAP or material charged to the batch unit operation.

(e) *Controlled batch front-end process vent continuous compliance records.* Each owner or operator of a batch front-

end process vent that has chosen to use a control device to comply with § 63.487(a) shall keep the following records readily accessible:

(1) * * *

(i) For flares, the records specified in Table 6 of this subpart shall be maintained in place of continuous records.

(ii) For carbon adsorbers, the records specified in Table 6 of this subpart shall be maintained in place of batch cycle daily averages.

(2) Records of the batch cycle daily average value of each continuously monitored parameter, except as provided in paragraph (e)(2)(iii) of this section, as calculated using the procedures specified in paragraphs (e)(2)(i) and (e)(2)(ii) of this section.

(i) The batch cycle daily average shall be calculated as the average of all parameter values measured for an operating day during those batch emission episodes, or portions thereof, in the batch cycle that the owner or operator has selected to control.

(ii) Monitoring data recorded during periods of monitoring system breakdowns, repairs, calibration checks, and zero (low-level) and high-level adjustments shall not be included in computing the batch cycle daily averages. In addition, monitoring data recorded during periods of non-operation of the EPPU (or specific portion thereof) resulting in cessation of organic HAP emissions, or periods of start-up, shutdown, or malfunction shall not be included in computing the batch cycle daily averages.

* * * * *

(3) Hourly records of whether the flow indicator for bypass lines specified under § 63.489(d)(1) was operating and whether a diversion was detected at any time during the hour. Also, records of the times of all periods when the vent is diverted from the control device, or the flow indicator specified in § 63.489(d)(1) is not operating.

(4) Where a seal or closure mechanism is used to comply with § 63.489(d)(2), hourly records of whether a diversion was detected at any time are not required.

(i) For compliance with § 63.489(d)(2), the owner or operator shall record whether the monthly visual inspection of the seals or closure mechanism has been done, and shall record the occurrence of all periods when the seal mechanism is broken, the bypass line damper or valve position has changed, or the key for a lock-and-key type configuration has been checked out, and records of any car-seal that has been broken.

(ii) [Reserved.]

* * * * *

(f) *Aggregate batch vent stream continuous compliance records.* In addition to the records specified in paragraphs (b) and (c) of this section, each owner or operator of an aggregate batch vent stream using a control device to comply with § 63.487(b)(1) or (b)(2) shall keep the following records readily accessible:.

(1) Continuous records of the equipment operating parameters specified to be monitored under § 63.489(b) and listed in Table 6 of this subpart, as applicable, or specified by the Administrator in accordance with § 63.492(e), as allowed under § 63.489(c), with the exceptions listed in paragraphs (f)(1)(i) and (f)(1)(ii) of this section.

(i) For flares, the records specified in Table 6 of this subpart shall be maintained in place of continuous records.

(ii) For carbon adsorbers, the records specified in Table 6 of this subpart shall be maintained in place of daily averages.

(2) Records of the daily average value of each continuously monitored parameter for each operating day determined according to the procedures specified in § 63.506(d).

(3) For demonstrating compliance with the monitoring of bypass lines as specified in § 63.489(d), records as specified in paragraph (e)(3) or (e)(4) of this section, as appropriate.

(g) Documentation supporting the establishment of the batch mass input limitation shall include the information specified in paragraphs (g)(1) through (g)(5) of this section, as appropriate.

(1) Identification of whether the purpose of the batch mass input limitation is to comply with § 63.487(f)(1) or (g)(1).

(2) Identification of whether the batch mass input limitation is based on the single highest-HAP recipe (considering all products) or on the expected mix of products for the batch front-end process vent as allowed under § 63.488(a)(1).

(3) Definition of the operating year, for the purposes of determining compliance with the batch mass input limitation.

(4) If the batch mass input limitation is based on the expected mix of products, the owner or operator shall provide documentation that describes as many scenarios for differing mixes of products (i.e., how many of each type of product) as the owner or operator desires the flexibility to accomplish. Alternatively, the owner or operator shall provide a description of the relationship among the mix of products that will allow a determination of compliance with the batch mass input limitation under any number of scenarios.

(5) The mass of HAP or material allowed to be charged to the batch unit operation per year under the batch mass input limitation.

14. Section 63.492 is amended by:

a. Revising paragraph (a) introductory text, (b), (c) introductory text, (c)(2), (d), (e), and (f);

b. Adding paragraphs (a)(5) and (a)(6); and

c. Removing paragraph (c)(3), to read as follows:

§ 63.492 Batch front-end process vents—reporting requirements.

(a) The owner or operator of a batch front-end process vent or aggregate batch vent stream at an affected source shall submit the information specified in paragraphs (a)(1) through (a)(6) of this section, as appropriate, as part of the Notification of Compliance Status specified in § 63.506(e)(5).

* * * * *

(5) For each Group 2 batch front-end process vent that is exempt from the batch mass input limitation provisions because it meets the criteria of § 63.487(h), the information specified in § 63.491(a)(1) through (3), and the information specified in § 63.491(a)(4) through (6) as applicable, calculated at the conditions specified in § 63.487(h).

(6) When engineering assessment has been used to estimate emissions from a batch emissions episode and the criteria specified in § 63.488(b)(6)(i)(A) or (B) have been met, the owner or operator shall submit the information demonstrating that the criteria specified in § 63.488(b)(6)(i)(A) or (B) have been met as part of the Notification of Compliance Status required by § 63.506(e)(5).

(b) Whenever a process change, as defined in § 63.488(i)(1), is made that causes a Group 2 batch front-end process vent to become a Group 1 batch front-end process vent, the owner or operator shall notify the Administrator and submit a description of the process change within 180 days after the process change is made or with the next Periodic Report, whichever is later. The owner or operator of an affected source shall comply with the Group 1 batch front-end process vent provisions in §§ 63.486 through 63.492 in accordance with § 63.480(i)(2)(ii).

(c) Whenever a process change, as defined in § 63.488(i)(1), is made that causes a Group 2 batch front-end process vent with annual emissions less than the level specified in § 63.488(d)

for which the owner or operator is required to comply with § 63.487(g) to have annual emissions greater than or equal to the level specified in § 63.488(d) but remains a Group 2 batch front-end process vent, or if a process change is made that requires the owner or operator to redetermine the batch mass input limitation as specified in § 63.488(i)(3), the owner or operator shall submit a report within 180 days after the process change is made or with the next Periodic Report, whichever is later. The following information shall be submitted:

* * * * *

(2) The batch mass input limitation determined in accordance with § 63.487(f)(1).

(d) The owner or operator is not required to submit a report of a process change if one of the conditions specified in paragraph (d)(1) or (d)(2) of this section is met.

(1) The change does not meet the description of a process change in § 63.488(i).

(2) The redetermined group status remains Group 2 for an individual batch front-end process vent with annual emissions greater than or equal to the level specified in § 63.488(d) and the batch mass input limitation does not decrease, or a Group 2 batch front-end process vent with annual emissions less than the level specified in § 63.488(d) complying with § 63.487(g) continues to have emissions less than the level specified in § 63.488(d) and the batch mass input limitation does not decrease.

(e) If an owner or operator uses a control device other than those specified in § 63.489(b) and listed in Table 6 of this subpart or requests approval to monitor a parameter other than those specified in § 63.489(b) and listed in Table 6 of this subpart, the owner or operator shall submit a description of planned reporting and recordkeeping procedures, as specified in § 63.506(f), as part of the Precompliance Report as required under § 63.506(e)(3). The Administrator will specify appropriate reporting and recordkeeping requirements as part of the review of the Precompliance Report.

(f) Owners or operators of affected sources complying with § 63.489(d), shall comply with paragraph (f)(1) or (f)(2) of this section, as appropriate.

(1) Submit reports of the times of all periods recorded under § 63.491(e)(3) when the batch front-end process vent is diverted away from the control device through a bypass line, with the next Periodic Report.

(2) Submit reports of all occurrences recorded under § 63.491(e)(4) in which the seal mechanism is broken, the bypass line damper or valve position has changed, or the key to unlock the bypass line damper or valve was checked out, with the next Periodic Report.

15. Section 63.493 is revised to read as follows:

§ 63.493 Back-end process provisions.

Owners and operators of new and existing affected sources shall comply with the requirements in §§ 63.494 through 63.500. Owners and operators of affected sources whose only elastomer products are latex products, liquid rubber products, or products produced in a gas-phased reaction process are not subject to the provisions of §§ 63.494 through 63.500. Section 63.494 contains residual organic HAP limitations. Compliance with these residual organic HAP limitations may be achieved by using either stripping technology, or by using control or recovery devices. If compliance with these limitations is achieved using stripping technology, the procedures to determine compliance are specified in § 63.495. If compliance with these limitations is achieved using control or recovery devices, the procedures to determine compliance are specified in § 63.496, and associated monitoring requirements are specified in § 63.497. Recordkeeping requirements are contained in § 63.498, and reporting requirements in § 63.499. Section 63.500 contains a limitation on carbon disulfide emissions from affected sources that produce styrene butadiene rubber using an emulsion process. Table 8 contains a summary of compliance alternative requirements for these sections.

16. Section 63.494 is amended by revising paragraphs (a) introductory text, (a)(1)(i), (a)(2)(i), (a)(3)(i), and (a)(4); and adding paragraph (d), to read as follows:

§ 63.494 Back-end process provisions—residual organic HAP limitations.

(a) The monthly weighted average residual organic HAP content of all grades of elastomer processed, measured after the stripping operation [or the reactor(s), if the plant has no stripper(s)] as specified in § 63.495(d), shall not exceed the limits provided in paragraphs (a)(1) through (a)(4) of this section, as applicable. Owners or operators of affected sources shall comply with the requirements of this paragraph using either stripping technology or control or recovery devices.

(1) * * *

(i) A monthly weighted average of 0.40 kg styrene per megagram (Mg) latex for existing affected sources; and

* * * * *

(2) * * *

(i) A monthly weighted average of 10 kg total organic HAP per Mg crumb rubber (dry weight) for existing affected sources; and

* * * * *

(3) * * *

(i) A monthly weighted average of 8 kg total organic HAP per Mg crumb rubber (dry weight) for existing affected sources; and

* * * * *

(4) There are no back-end process operation residual organic HAP limitations for neoprene, Hypalon™, nitrile-butadiene rubber, butyl rubber, halobutyl rubber, epichlorohydrin elastomer, and polysulfide rubber. There are also no back-end process operation residual organic HAP limitations for styrene butadiene rubber produced by any process other than a solution or emulsion process, polybutadiene rubber produced by any process other than a solution process, or ethylene-propylene rubber produced by any process other than a solution process.

* * * * *

(d) If the owner or operator complies with the residual organic HAP limitations in paragraph (a) of this section using a flare, the owner or operator of an affected source shall comply with the requirements in § 63.504(c).

17. Section 63.495 is amended by revising paragraphs (b)(2)(i), (b)(2)(ii), and (b)(5), to read as follows:

§ 63.495 Back-end process provisions—procedures to determine compliance using stripping technology.

* * * * *

(b) * * *

(2) * * *

(i) If a stripper operated in batch mode is used, at least one representative sample is to be taken from every batch of elastomer produced, at the location specified in paragraph (d) of this section, and identified by elastomer type and by the date and time the batch is completed.

(ii) If a stripper operated in continuous mode is used, at least one representative sample is to be taken each operating day. The sample is to be taken at the location specified in paragraph (d) of this section, and identified by elastomer type and by the date and time the sample was taken.

* * * * *

(5) The monthly weighted average shall be determined using the equation

in paragraph (f) of this section. All samples taken and analyzed during the month shall be used in the determination of the monthly weighted average, except samples taken during periods of start-up, shutdown, or malfunction.

* * * * *

18. Section 63.496 is amended by revising paragraphs (b) introductory text, (b)(5)(i), (b)(5)(iii), (b)(6)(iv), (b)(7) introductory text, (b)(7)(i), (b)(7)(iv), (b)(8) introductory text, and (c)(1); and adding paragraph (b)(7)(vi), to read as follows:

§ 63.496 Back-end process provisions—procedures to determine compliance using control or recovery devices.

* * * * *

(b) Compliance shall be demonstrated using the provisions in paragraphs (b)(1) through (b)(8) of this section, as applicable.

* * * * *

(5) * * *

(i) Method 1 or 1A of 40 CFR part 60, appendix A, as appropriate, shall be used for selection of the sampling sites. Sampling sites for inlet emissions shall be located as specified in paragraphs (b)(5)(i)(A) or (b)(5)(i)(B) of this section. Sampling sites for outlet emissions shall be located at the outlet of the control or recovery device.

(A) The inlet sampling site shall be located at the exit of the back-end process unit operation before any opportunity for emission to the atmosphere [with the exception of equipment in compliance with the requirements in §§ 63.502(a) through 63.502(m)], and before any control or recovery device.

(B) If back-end process vent streams are combined prior to being routed to control or recovery devices, the inlet sampling site may be for the combined stream, as long as there is no opportunity for emission to the atmosphere [with the exception of equipment in compliance with the requirements in §§ 63.502(a) through 63.502(m)] from any of the streams prior to being combined.

* * * * *

(iii) To determine the inlet and outlet total organic HAP concentrations, the owner or operator shall use Method 18 or Method 25A of 40 CFR part 60, appendix A. Alternatively, any other method or data that has been validated according to the applicable procedures in Method 301, 40 CFR part 63, appendix A may be used. The minimum sampling time for each run shall be in accordance with paragraph (b)(1) of this section, during which either an integrated sample or grab samples shall be taken. If grab sampling is used, then the samples shall be taken at approximately equal intervals during the run, with the time between samples no greater than 15 minutes.

* * * * *

(6) * * *

(iv) The outlet total organic HAP emissions associated with the back-end process unit operation shall be calculated using Equation 30, as shown in paragraph (b)(8) of this section.

(7) An owner or operator is not required to conduct a source test to determine the outlet organic HAP emissions if any control device specified in paragraphs (b)(7)(i) through (b)(7)(vi) of this section is used. For these devices, the inlet emissions associated with the back-end process unit operation shall be determined in accordance with paragraph (b)(5) of this section, and the outlet emissions shall be calculated using the equation in paragraph (b)(8) of this section.

(i) A flare. The owner or operator shall demonstrate compliance as provided in § 63.504(c).

* * * * *

(iv) A control device for which a performance test was conducted for determining compliance with a regulation promulgated by the EPA and the test was conducted using the same Methods specified in this section and either no deliberate process changes have been made since the test, or the owner or operator can demonstrate that the results of the performance test, with or without adjustments, reliably demonstrate compliance despite process changes.

* * * * *

(vi) A hazardous waste incinerator for which the owner or operator has been issued a final permit under 40 CFR Part 270 and complies with the requirements of 40 CFR part 264, subpart O, or has certified compliance with the interim status requirements of 40 CFR part 265, subpart O.

(8) If one of the control devices listed in paragraph (b)(6) or (b)(7) of this section is used, the outlet emissions shall be calculated using Equation 30.

$$E_o = E_i(1 - R) \qquad \text{[Eq. 30]}$$

where:

E_o=Mass rate of total organic HAP at the outlet of the control or recovery device, dry basis, kg/hr.

E_i=Mass rate of total organic HAP at the inlet of the control or recovery device, dry basis, kg/hr, determined using the procedures in paragraph (b)(5)(iv) of this section.

R=Control efficiency of control device, as specified in paragraph (b)(8)(i), (ii), or (iii) of this section.

* * * * *

(c) * * *

(1) For each test run, the residual organic HAP content, adjusted for the control or recovery device emission reduction, shall be calculated using Equation 31.

$$\text{HAPCONT}_{run} = \frac{(C)(P) - (E_{i,\,run}) + (E_{o,\,run})}{(P)} \qquad \text{[Eq. 31]}$$

where:

HAPCONT_{run}=Residual organic HAP content, kg organic HAP per kg elastomer (latex or dry crumb rubber).

C=Total uncontrolled organic HAP content, determined in accordance with paragraph (b)(3) of this section, kg organic HAP per kg latex or dry crumb rubber.

P=Weight of latex or dry crumb rubber processed during test run.

$E_{i,run}$=Mass rate of total organic HAP at the inlet of the control or recovery device, dry basis, kg per test run.

$E_{o,run}$=Mass rate of total organic HAP at the outlet of the control or recovery device, dry basis, kg per test run.

* * * * *

19. Section 63.497 is amended by revising paragraphs (a) introductory text, (a)(6), (c), and (d) introductory text; and removing paragraph (d)(3), to read as follows:

§ 63.497 Back-end process provisions—monitoring provisions for control and recovery devices.

(a) An owner or operator complying with the residual organic HAP limitations in § 63.494(a) using control or recovery devices, or a combination of stripping and control or recovery devices, shall install the monitoring equipment specified in paragraphs (a)(1)

through (a)(6) of this section, as appropriate.

* * * * *

(6) For a carbon adsorber, an integrating regeneration steam flow, nitrogen flow, or pressure monitoring device having an accuracy of at least ±10 percent of the flow rate, level, or pressure, capable of recording the total regeneration steam flow or nitrogen flow, or pressure (gauge or absolute) for each regeneration cycle; and a carbon bed temperature monitoring device, capable of recording the carbon bed temperature after each regeneration and within 15 minutes of completing any cooling cycle are required.

* * * * *

(c) The owner or operator shall establish a level, defined as either a maximum or minimum operating parameter, that indicates proper operation of the control or recovery device for each parameter monitored under paragraphs (a)(1) through (a)(6) of this section. This level is determined in accordance with § 63.505. The established level, along with supporting documentation, shall be submitted in the Notification of Compliance Status or the operating permit application, as required in § 63.506(e)(5) or (e)(8), respectively. The owner or operator shall operate control and recovery devices so that the daily average value is above or below the established level, as required, to ensure continued compliance with the standard, except as otherwise stated in this subpart.

(d) The owner or operator of an affected source with a controlled back-end process vent using a vent system that contains bypass lines that could divert a vent stream away from the control or recovery device used to comply with § 63.494(a) shall comply with paragraph (d)(1) or (d)(2) of this section. Equipment such as low leg drains, high point bleeds, analyzer vents, open-ended valves or lines, and pressure relief valves needed for safety purposes are not subject to this paragraph.

* * * * *

20. Section 63.498 is amended by revising paragraphs (a), (d) introductory text, (d)(1) through (d)(4), (d)(5) introductory text, (d)(5)(i), (d)(5)(ii)(B), (d)(5)(iv) introductory text, and (d)(5)(iv)(A); and removing and reserving paragraph (d)(5)(iv)(B), to read as follows:

§ 63.498 Back-end process provisions—recordkeeping.

(a) Each owner or operator shall maintain the records specified in paragraphs (b) through (d) of this section, as appropriate.

* * * * *

(d) Each owner or operator of a back-end process operation using control or recovery devices to comply with an organic HAP emission limitation in § 63.494(a) shall maintain the records specified in paragraphs (d)(1) through (d)(5) of this section. The recordkeeping requirements contained in paragraphs (d)(1) through (d)4) pertain to the results of the testing required by § 63.496(b), for each of the three required test runs.

(1) The uncontrolled residual organic HAP content in the latex or dry crumb rubber, as required to be determined by § 63.496(b)(3), including the test results of the analysis;

(2) The total quantity of material (weight of latex or dry crumb rubber) processed during the test run, recorded in accordance with § 63.496(b)(4);

(3) The organic HAP emissions at the inlet and outlet of the control or recovery device, determined in accordance with § 63.496(b)(5) through (b)(8), including all test results and calculations.

(4) The residual organic HAP content, adjusted for the control or recovery device emission reduction, determined in accordance with § 63.496(c)(1).

(5) Each owner or operator using a control or recovery device shall keep the following records readily accessible:

(i) Continuous records of the equipment operating parameters specified to be monitored under § 63.497(a) or specified by the Administrator in accordance with § 63.497(b). For flares, the records specified in Table 6 shall be maintained in place of continuous records.

(ii) * * *

(B) Monitoring data recorded during periods of monitoring system breakdowns, repairs, calibration checks, and zero (low-level) and high-level adjustments shall not be included in computing the hourly or daily averages. In addition, monitoring data recorded during periods of non-operation of the EPPU (or specific portion thereof) resulting in cessation of organic HAP emissions or during periods of start-up, shutdown, or malfunction shall not be included in computing the hourly or daily averages. Records shall be kept of the times and durations of all such periods and any other periods of process or control device operation when monitors are not operating.

* * * * *

(iv) Where a seal mechanism is used to comply with § 63.497(d)(2), hourly records of flow are not required.

(A) For compliance with § 63.497(d)(2), the owner or operator shall record whether the monthly visual inspection of the seals or closure mechanisms has been done, and shall record instances when the seal mechanism is broken, the bypass line damper or valve position has changed, or the key for a lock-and-key type configuration has been checked out, and records of any car-seal that has broken.

(B) [Reserved.]

21. Section 63.499 is amended by revising paragraphs (a), (b)(2), (c) introductory text, (c)(3), and (d) introductory text, to read as follows:

§ 63.499 Back-end process provisions—reporting.

(a) The owner or operator of an affected source with back-end process operations shall submit the information required in paragraphs (a)(1) through (a)(3) of this section, for each back-end process operation at the affected source, as part of the Notification of Compliance Status specified in § 63.506(e)(5).

(1) The type of elastomer product processed in the back-end operation.

(2) The type of process (solution process, emulsion process, etc.)

(3) If the back-end process operation is subject to an emission limitation in § 63.494(a), whether compliance will be achieved by stripping technology, or by control or recovery devices.

(b) * * *

(2) For organic HAP content/stripper monitoring parameter re-determinations, and the addition of new grades, the information specified in § 63.498(c)(1) shall be submitted in the next periodic report specified in § 63.506(e)(6).

(c) Each owner or operator of an affected source with a back-end process operation control or recovery device that shall comply with an emission limitation in § 63.494(a) shall submit the information specified in paragraphs (c)(1) through (c)(3) of this section as part of the Notification of Compliance Status specified in § 63.506(e)(5).

* * * * *

(3) The information specified in paragraphs (c)(3)(i) when using a flare, and the information specified in paragraph (c)(3)(ii) of this section when using a boiler or process heater.

(i) The flare design (i.e., steam-assisted, air-assisted, or non-assisted); all visible emission readings, heat content determinations, flow rate measurements, and exit velocity determinations made during the compliance determination; and all periods during the compliance determination when the pilot flame is absent.

(ii) A description of the location at which the vent stream is introduced into the boiler or process heater.

(d) Whenever a process change, as defined in § 63.496(d), is made that causes the redetermination of the compliance status for the back-end process operations, the owner or operator shall submit a report within 180 days after the process change as specified in § 63.506(e)(7)(iii). The report shall include:

* * * * *

22. Section 63.500 is amended by revising paragraphs (a)(3), (c)(1) introductory text, (c)(1)(iii) introductory text, (c)(2) introductory text, and (d)(2), to read as follows:

§ 63.500 Back-end process provisions—carbon disulfide limitations for styrene butadiene rubber by emulsion processes.

(a) * * *

(3) The owner or operator shall operate the process in accordance with a validated standard operating procedure at all times when styrene butadiene rubber is being produced using a sulfur containing shortstop agent. If a standard operating procedure is changed, it shall be re-validated.

* * * * *

(c) * * *

(1) The owner or operator may choose to conduct a performance test, using the procedures in paragraphs (c)(1)(i) through (c)(1)(iii) of this section to demonstrate compliance with the carbon disulfide concentration limitation in paragraph (a) of this section. One test shall be conducted for each standard operating procedure.

* * * * *

(iii) To determine compliance with the carbon disulfide concentration limit in paragraph (a) of this section, the owner or operator shall use Method 18 or Method 25A of 40 CFR part 60, appendix A to measure carbon disulfide. Alternatively, any other method or data that has been validated according to the applicable procedures in Method 301, 40 CFR part 63, appendix A, may be used. The following procedures shall be used to calculate carbon disulfide concentration:

* * * * *

(2) The owner or operator may use engineering assessment to demonstrate compliance with the carbon disulfide concentration limitation in paragraph (a) of this section. Engineering assessment includes, but is not limited to, the following:

* * * * *

(d) * * *

(2) A description of the standard operating procedure used during the testing. This description shall include, at a minimum, an identification of the sulfur containing shortstop agent added to the styrene butadiene rubber prior to the dryers, an identification of the point and time in the process where the sulfur containing shortstop agent is added, and an identification of the amount of sulfur containing shortstop agent added per unit of latex.

* * * * *

23. Section 63.501 is amended by revising paragraphs (a), (b), and (c)(1); and removing paragraph (d), to read as follows:

§ 63.501 Wastewater provisions.

(a) Except as specified in paragraph (c) of this section, the owner or operator of each affected source shall comply with the requirements of §§ 63.132 through 63.147 for each process wastewater stream originating at an affected source, with the requirements of § 63.148 for leak inspection provisions, and with the requirements of § 63.149 for equipment that is subject to § 63.149, with the differences noted in paragraphs (a)(1) through (a)(23) of this section. Further, the owner or operator of each affected source shall comply with the requirements of § 63.105(a) for maintenance wastewater, as specified in paragraph (b) of this section.

(1) When the determination of equivalence criteria in § 63.102(b) is referred to in §§ 63.132, 63.133, and 63.137, the provisions in § 63.6(g) shall apply for the purposes of this subpart.

(2) When the storage vessel requirements contained in §§ 63.119 through 63.123 are referred to in §§ 63.132 through 63.149, §§ 63.119 through 63.123 are applicable, with the exception of the differences referred to in § 63.484, for the purposes of this subpart.

(3) Owners and operators of affected sources are not required to comply with the requirements in § 63.132(b)(1) and § 63.132(d). Owners and operators of new affected sources, as defined in this subpart, shall comply with the requirements for existing sources in §§ 63.132 through 63.149.

(4) When § 63.146(a) requires the submission of a request for approval to monitor alternative parameters according to the procedures specified in § 63.151(g) or § 63.152(e), owners or operators requesting to monitor alternative parameters shall follow the procedures specified in § 63.506(g), for the purposes of this subpart.

(5) When § 63.147(d) requires owners or operators to keep records of the daily average value of each continuously monitored parameter for each operating day as specified in § 63.152(f), owners and operators shall instead keep records of the daily average value of each continuously monitored parameter as specified in § 63.506(d), for the purposes of this subpart.

(6) When §§ 63.132 through 63.149 refer to an ''existing source,'' the term ''existing affected source,'' as defined in § 63.480(a)(3) shall apply, for the purposes of this subpart.

(7) When §§ 63.132 through 63.149 refer to a ''new source,'' the term ''new affected source,'' as defined in § 63.480(a)(4) shall apply, for the purposes of this subpart.

(8) Whenever §§ 63.132 through 63.149 refer to a ''chemical manufacturing process unit,'' the term ''elastomer product process unit,'' (or EPPU) as defined in § 63.482, shall apply for the purposes of this subpart. In addition, when § 63.149 refers to ''a chemical manufacturing process unit that meets the criteria of § 63.100(b) of subpart F of this part,'' the term ''an EPPU as defined in § 63.482(b)'' shall apply for the purposes of this subpart.

(9) When § 63.132(a) and (b) refer to the ''applicable dates specified in § 63.100 of subpart F of this part,'' the compliance dates specified in § 63.481 shall apply, for the purposes of this subpart.

(10) When §§ 63.132 through 63.149 refer to Table 9 or Table 36 of subpart G of this part, the owner or operator is only required to consider organic HAP listed in Table 9 or Table 36 of subpart G of this part that are also listed on Table 5 of this subpart, for the purposes of this subpart. Owners and operators are exempt from all requirements in §§ 63.132 through 63.149 that pertain solely and exclusively to organic HAP listed on Table 8 of subpart G of this subpart. In addition, when §§ 63.132 through 63.149 refer to List 1, List 2, and/or List 3, as listed in Table 36 of subpart G of this part, the owner or operator is only required to consider organic HAP that are also listed on Table 5 of this subpart, for the purposes of this subpart.

(11) Whenever §§ 63.132 through 63.147 refer to a Group 1 wastewater stream or a Group 2 wastewater stream, the definitions of these terms contained in § 63.482 shall apply, for the purposes of this subpart.

(12) When § 63.149(d) refers to ''§ 63.100(f) of subpart F'' the phrase ''§ 63.480(c)'' shall apply for the purposes of this subpart. In addition, where § 63.149(d) states ''and the item of equipment is not otherwise exempt from controls by the provisions of subparts A, F, G, or H of this part'', the phrase ''and the item of equipment is

not otherwise exempt from controls by the provisions of subparts A, F, G, H, or U of this part,'' shall apply for the purposes of this subpart.

(13) When § 63.149(e)(1) and (e)(2) refer to ''a chemical manufacturing process unit subject to the new source requirements of 40 CFR 63.100(l)(1) or 40 CFR § 63.100 (l)(2),'' the phrase ''an EPPU that is part of a new affected source or that is a new affected source,'' shall apply for the purposes of this subpart.

(14) When the Notification of Compliance Status requirements contained in § 63.152(b) are referred to in §§ 63.138 and 63.146, the Notification of Compliance Status requirements contained in § 63.506(e)(5) shall apply for the purposes of this subpart. In addition, when §§ 63.138 and 63.146 require that information be reported according to § 63.152(b) in the Notification of Compliance Status, owners or operators of affected sources shall report the specified information in the Notification of Compliance Status required by § 63.506(e)(5), for the purposes of this subpart.

(15) When the Periodic Report requirements contained in § 63.152(c) are referred to in § 63.146, the Periodic Report requirements contained in § 63.506(e)(6) shall apply for the purposes of this subpart. In addition, when § 63.146 requires that information be reported in the Periodic Reports required in § 63.152(c), owners or operators of affected sources shall report the specified information in the Periodic Reports required in § 63.506(e)(6), for the purposes of this subpart.

(16) When the term ''range'' is used in §§ 63.132 through 63.149, the term ''level'' shall apply instead, for the purposes of this subpart. This level shall be determined using the procedures specified in § 63.505.

(17) When § 63.143(f) specifies that owners or operators shall establish the range that indicates proper operation of the treatment process or control device, the owner or operator shall instead comply with the requirements of § 63.505(b)(1), (c), or (d) for establishing parameter level maximums/minimums, for the purposes of this subpart.

(18) When § 63.146(b)(7) and § 63.146(b)(8) require that ''the information on parameter ranges specified in § 63.152(b)(2)'' be reported in the Notification of Compliance Status, owners and operators of affected sources are instead required to report the information on parameter levels in the Notification of Compliance Status as specified in § 63.506(e)(5)(ii), for the purposes of this subpart.

(19) For the purposes of this subpart, the owner or operator of an affected source is not required to include process wastewater streams that contain styrene when conducting performance tests for the purposes of calculating the required mass removal (RMR) or the actual mass removal (AMR) under the provisions described in § 63.145(f) or § 63.145(g). For purposes of this paragraph, a process wastewater stream is considered to contain styrene if the wastewater stream meets the requirements in paragraph (a)(19)(i), (ii), or (iii) of this section:

(i) The wastewater stream originates at equipment that produces styrene butadiene rubber by solution;

(ii) The wastewater stream originates at equipment that produces styrene butadiene rubber by emulsion; or

(iii) The wastewater stream originates at equipment that produces styrene butadiene latex.

(20) When the provisions of § 63.139(c)(1)(ii), § 63.145(d)(4), or § 63.145(i)(2) specify that Method 18, 40 CFR part 60, appendix A shall be used, Method 18 or Method 25A, 40 CFR part 60, appendix A may be used for the purposes of this subpart. The use of Method 25A, 40 CFR part 60, appendix A shall conform with the requirements in paragraphs (a)(20)(i) and (a)(20)(ii) of this section.

(i) The organic HAP used as the calibration gas for Method 25A, 40 CFR part 60, appendix A shall be the single organic HAP representing the largest percent by volume of the emissions.

(ii) The use of Method 25A, 40 CFR part 60, appendix A is acceptable if the response from the high-level calibration gas is at least 20 times the standard deviation of the response from the zero calibration gas when the instrument is zeroed on the most sensitive scale.

(21) In § 63.145(j), instead of the reference to § 63.11(b), and instead of § 63.145(j)(1) and § 63.145(j)(2), the requirements in § 63.504(c) shall apply.

(22) The owner or operator of a facility which receives a Group 1 wastewater stream, or a residual removed from a Group 1 wastewater stream, for treatment pursuant to § 63.132(g) is subject to the requirements of § 63.132(g) with the differences identified in this section, and is not subject to subpart DD of this part, with respect to the received material.

(23) When § 63.132(g) refers to ''§§ 63.133 through 63.137'' or ''§§ 63.133 through 63.147'', the provisions in this section 63.501 shall apply, for the purposes of this subpart.

(b) Except for those streams exempted by paragraph (c) of this section, the owner or operator of each affected source shall comply with the requirements for maintenance wastewater in § 63.105, except that when § 63.105(a) refers to ''organic HAPs,'' the definition of organic HAP in § 63.482 shall apply for the purposes of this subpart.

(c) * * *

(1) Back-end wastewater streams originating from equipment whose only elastomer products are latex products.

* * * * *

24. Section 63.502 is amended by revising the section title and paragraphs (a), (b) introductory text, (b)(1), (b)(2), (b)(3), (b)(5), (b)(6), (b)(7), (c), (d), (e), (f), (g), (h), (i), and (j); and adding paragraphs (k), (l), (m), and (n), to read as follows:

§ 63.502 Equipment leak and heat exchange system provisions.

(a) *Equipment leak provisions.* The owner or operator of each affected source, shall comply with the requirements of subpart H of this part, with the exceptions noted in paragraphs (b) through (m) of this section.

(b) Surge control vessels and bottoms receivers described in paragraphs (b)(1) through (b)(7) of this section are exempt from the requirements contained in § 63.170.

(1) Surge control vessels and bottoms receivers that receive only styrene-butadiene latex;

(2) Surge control vessels and bottoms receivers that receive latex products other than styrene-butadiene latex, located downstream of the stripping operations;

(3) Surge control vessels and bottoms receivers that receive only high conversion latex products;

* * * * *

(5) Surge control vessels and bottoms receivers that receive only styrene;

(6) Surge control vessels and bottoms receivers that receive only acrylamide; and

(7) Surge control vessels and bottoms receivers that receive only epichlorohydrin.

(c) The compliance date for the equipment leak provisions in this section is provided in § 63.481(d). Whenever subpart H of this part refers to the compliance dates specified in any paragraph contained in § 63.100, the compliance dates listed in § 63.481(d) shall instead apply, for the purposes of this subpart. When § 63.182(c)(4) refers to ''sources subject to subpart F,'' the phrase ''sources subject to this subpart'' shall apply, for the purposes of this subpart. In addition, extensions of compliance dates are addressed by

§ 63.481(e) instead of by § 63.182(a)(6), for the purposes of this subpart.

(d) For an affected source producing polybutadiene rubber or styrene butadiene rubber by solution, the conditions in paragraphs (d)(1), (d)(2), and (d)(3) of this section are applicable.

(1) Indications of liquids dripping, as defined in subpart H of this part, from bleed ports in pumps and agitator seals in light liquid service, shall not be considered a leak. For the purposes of this subpart, a ''bleed port'' is a technologically-required feature of the pump or seal whereby polymer fluid used to provide lubrication and/or cooling of the pump or agitator shaft exits the pump, thereby resulting in a visible dripping of fluid.

(2) For reciprocating pumps in heavy liquid service, owners and operators are not required to comply with the requirements in § 63.169 and associated recordkeeping and reporting requirements.

(3) Reciprocating pumps in light liquid service are exempt from § 63.163 and associated recordkeeping and reporting requirements, if recasting the distance piece or reciprocating pump replacement would be necessary to comply with that section.

(e) Owners and operators of an affected source subject to this subpart are not required to submit the Initial Notification required by § 63.182(a)(1) and § 63.182(b).

(f) As specified in § 63.506(e)(5), the Notification of Compliance Status required by § 63.182(a)(2) and § 63.182(c) shall be submitted within 150 days (rather than 90 days) of the applicable compliance date specified in § 63.481(d) for the equipment leak provisions.

(g) The information specified by § 63.182(a)(3) and § 63.182(d) (i.e., Periodic Reports) shall be submitted as part of the Periodic Reports required by § 63.506(e)(6).

(h) 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 EPPU within the affected source for all purposes under subpart H of this part, providing there is no delay in achieving the applicable compliance date.

(i) When § 63.166(b)(4)(i) refers to Table 9 of subpart G of this part, the owner or operator is only required to consider organic HAP listed on Table 9 of subpart G of this subpart that are also listed on Table 5 of this subpart.

(j) When the provisions of subpart H of this part specify that Method 18, 40 CFR part 60, appendix A shall be used, either Method 18 or Method 25A, 40 CFR part 60, appendix A may be used for the purposes of this subpart. The use of Method 25A, 40 CFR part 60, appendix A shall conform with the requirements in paragraphs (j)(1) and (j)(2) of this section.

(1) The organic HAP used as the calibration gas for Method 25A, 40 CFR part 60, appendix A shall be the single organic HAP representing the largest percent by volume of emissions.

(2) The use of Method 25A, 40 CFR part 63, appendix A is acceptable if the response from the high-level calibration gas is at least 20 times the standard deviation of the response from the zero calibration gas when the instrument is zeroed on the most sensitive scale.

(k) An owner or operator using a flare to comply with the requirements of this section shall conduct a compliance demonstration as specified in § 63.504(c).

(l) When the term ''equipment'' is used in subpart H of this part, the definition of this term in § 63.482(b) shall apply for the purposes of this subpart.

(m) The phrase ''the provisions of subparts F, I, or U of this part'' shall apply instead of the phrase ''the provisions of subpart F or I of this part'' throughout §§ 63.163 and 63.168, for the purposes of this subpart. In addition, the phrase ''subparts F, I, and U'' shall apply instead of the phrase ''subparts F and I'' in § 63.174(c)(2)(iii), for the purposes of this subpart.

(n) *Heat exchange system provisions.* The owner or operator of each affected source shall comply with the requirements of § 63.104 for heat exchange systems, with the exceptions noted in paragraphs (n)(1) through (n)(5) of this section.

(1) When the term ''chemical manufacturing process unit'' is used in § 63.104, the term ''elastomer product process unit'' (or EPPU) shall apply for the purposes of this subpart, with the exception noted in paragraph (n)(2) of this section.

(2) When the phrase ''a chemical manufacturing process unit meeting the conditions of § 63.100(b)(1) through (b)(3) of this subpart, except for chemical manufacturing process units meeting the condition specified in § 63.100(c) of this subpart'' is used in § 63.104(a), the term ''an EPPU, except for EPPUs meeting the condition specified in § 63.480(b)'' shall apply for the purposes of this subpart.

(3) When § 63.104 refers to Table 4 of subpart F of this part or Table 9 of subpart G of this part, the owner or operator is only required to consider organic HAP listed on Table 5 of this subpart.

(4) When § 63.104(c)(3) and § 63.104(f)(1) specify that the monitoring plan and records required by § 63.104(f)(1)(i) through (f)(1)(iv) shall be kept as specified in § 63.103(c), the provisions of § 63.506(a) and § 63.506(h) shall apply for the purposes of this subpart.

(5) When § 63.104(f)(2) requires information to be reported in the Periodic Reports required by § 63.152(c), the owner or operator shall instead report the information specified in § 63.104(f)(2) in the Periodic Reports required by § 63.506(e)(6), for the purposes of this subpart.

(6) The compliance date for heat exchange systems subject to the provisions of this section is specified in § 63.481(d)(6).

25. Section 63.504 is revised (including the section title) to read as follows:

§ 63.504 Additional requirements for performance testing .

(a) Performance testing shall be conducted in accordance with § 63.7(a)(1), (a)(3), (d), (e)(1), (e)(2), (e)(4), (g), and (h), with the exceptions specified in paragraphs (a)(1) through (a)(5) of this section and the additions specified in paragraph (b) of this section. Sections 63.484 through 63.501 also contain specific testing requirements.

(1) Performance tests shall be conducted according to the provisions of § 63.7(e)(1) and (e)(2), except that performance tests shall be conducted at maximum representative operating conditions achievable during one of the time periods described in paragraph (a)(1)(i) of this section, without causing any of the situations described in paragraph (a)(1)(ii) of this section to occur.

(i) The 6-month period that ends 2 months before the Notification of Compliance Status is due, according to § 63.506(e)(5); or the 6-month period that begins 3 months before the performance test and ends 3 months after the performance test.

(ii) Causing damage to equipment; necessitating that the owner or operator make product that does not meet an existing specification for sale to a customer; or necessitating that the owner or operator make product in excess of demand.

(2) References in § 63.7(g) to the Notification of Compliance Status requirements in § 63.9(h) shall refer to the requirements in § 63.506(e)(5).

(3) Because the site-specific test plans in § 63.7(c)(3) are not required, § 63.7(h)(4)(ii) is not applicable.

(4) The owner or operator shall notify the Administrator of the intent to conduct a performance test at least 30 days before the performance test is scheduled, to allow the Administrator the opportunity to have an observer present during the test. If after 30 days notice for an initially scheduled performance test, there is a delay (due to operational problems, etc.) in conducting the scheduled performance test, the owner or operator of an affected facility shall notify the Administrator as soon as possible of any delay in the original test date, either by providing at least 7 days prior notice of the rescheduled date of the performance test, or by arranging a rescheduled date with the Administrator by mutual agreement.

(5) Performance tests shall be performed no later than 150 days after the compliance dates specified in this subpart (i.e., in time for the results to be included in the Notification of Compliance Status), rather than according to the time periods in § 63.7(a)(2).

(b) Data shall be reduced in accordance with the EPA approved methods specified in the applicable subpart or, if other test methods are used, the data and methods shall be validated according to the protocol in Method 301, 40 CFR part 63, appendix A of this part.

(c) Notwithstanding any other provision of this subpart, if an owner or operator of an affected source uses a flare to comply with any of the requirements of this subpart, the owner or operator shall comply with paragraphs (c)(1) through (c)(3) of this section. The owner or operator is not required to conduct a performance test to determine percent emission reduction or outlet organic HAP or TOC concentration. If a compliance demonstration has been conducted previously for a flare, using the techniques specified in paragraphs (c)(1) through (c)(3) of this section, that compliance demonstration may be used to satisfy the requirements of this paragraph if either no deliberate process changes have been made since the compliance demonstration, or the results of the compliance demonstration reliably demonstrate compliance despite process changes.

(1) Conduct a visible emission test using the techniques specified in § 63.11(b)(4);

(2) Determine the net heating value of the gas being combusted, using the techniques specified in § 63.11(b)(6); and

(3) Determine the exit velocity using the techniques specified in either § 63.11(b)(7)(i) (and § 63.11(b)(7)(iii), where applicable) or § 63.11(b)(8), as appropriate.

26. Section 63.505 is amended by:

a. Revising paragraphs (a), (b) introductory text, (b)(2), (b)(3) introductory text, (b)(3)(i)(A) through (b)(3)(i)(D), (b)(3)(ii), (c), (d), (e) introductory text, (e)(3), (g)(1) introductory text, (g)(1)(ii), (g)(1)(iii), (g)(2) introductory text, (g)(2)(ii), (h)(1) introductory text, and (h)(2) introductory text;

b. Removing and reserving paragraphs (b)(1) and (f);

c. Removing paragraph (b)(3)(i)(E); and

d. Adding paragraphs (g)(1)(v) and (g)(3), to read as follows:

§ 63.505 Parameter monitoring levels and excursions.

(a) *Establishment of parameter monitoring levels.* The owner or operator of a control or recovery device that has one or more parameter monitoring level requirements specified under this subpart shall establish a maximum or minimum level for each measured parameter. If a performance test is required by this subpart for a control device, the owner or operator shall use the procedures in either paragraph (b) or (c) of this section to establish the parameter monitoring level(s). If a performance test is not required by this subpart for a control device, the owner or operator may use the procedures in paragraph (b), (c), or (d) of this section to establish the parameter monitoring levels. When using the procedures specified in paragraph (c) or (d) of this section, the owner or operator shall submit the information specified in § 63.506(e)(3)(vii) for review and approval, as part of the Precompliance Report.

(1) The owner or operator shall operate control and recovery devices such that the daily average of monitored parameters remains above the minimum established level or below the maximum established level, except as otherwise stated in this subpart.

(2) As specified in § A63.506(e)(5), all established levels, along with their supporting documentation and the definition of an operating day, shall be submitted as part of the Notification of Compliance Status.

(3) Nothing in this section shall be construed to allow a monitoring parameter excursion caused by an activity that violates other applicable provisions of subparts A, F, G, or H of this part.

(b) *Establishment of parameter monitoring levels based exclusively on performance tests.* In cases where a performance test is required by this subpart, or the owner or operator of the affected source elects to do a performance test in accordance with the provisions of this subpart, and an owner or operator elects to establish a parameter monitoring level for a control, recovery, or recapture device based exclusively on parameter values measured during the performance test, the owner or operator of the affected source shall comply with the procedures in paragraphs (b)(1) through (b)(4) of this section, as applicable.

(1) [Reserved.]

(2) *Back-end process operations using a control or recovery device to comply with §§ 63.493 through 63.500 and continuous front-end process vents.* During initial compliance testing, the appropriate parameter shall be continuously monitored during the required 1-hour runs. The monitoring level(s) shall then be established as the average of the maximum (or minimum) point values from the three test runs. The average of the maximum values shall be used when establishing a maximum level, and the average of the minimum values shall be used when establishing a minimum level.

(3) *Batch front-end process vents.* The monitoring level(s) shall be established using the procedures specified in either paragraph (b)(3)(i) or (b)(3)(ii) of this section. The procedures specified in this paragraph (b)(3) may only be used if the batch emission episodes, or portions thereof, selected to be controlled were tested, and monitoring data were collected, during the entire period in which emissions were vented to the control device, as specified in § 63.490(c)(1)(i). If the owner or operator chose to test only a portion of the batch emission episode, or portion thereof, selected to be controlled, the procedures in paragraph (c) of this section shall be used.

(i) * * *

(A) The average monitored parameter value shall be calculated for each batch emission episode, or portion thereof, in the batch cycle selected to be controlled. The average shall be based on all values measured during the required performance test.

(B) If the level to be established is a maximum operating parameter, the level shall be defined as the minimum of the average parameter values of the batch emission episodes, or portions thereof, in the batch cycle selected to be controlled (i.e., identify the emission

episode, or portion thereof, which requires the lowest parameter value in order to assure compliance. The average parameter value that is necessary to assure compliance for that emission episode, or portion thereof, shall be the level for all emission episodes, or portions thereof, in the batch cycle, that are selected to be controlled).

(C) If the level to be established is a minimum operating parameter, the level shall be defined as the maximum of the average parameter values of the batch emission episodes, or portions thereof, in the batch cycle selected to be controlled (i.e., identify the emission episode, or portion thereof, which requires the highest parameter value in order to assure compliance. The average parameter value that is necessary to assure compliance for that emission episode, or portion thereof, shall be the level for all emission episodes, or portions thereof, in the batch cycle, that are selected to be controlled).

(D) Alternatively, an average monitored parameter value shall be calculated for the entire batch cycle based on all values measured during each batch emission episode, or portion thereof, selected to be controlled.

(ii) Instead of establishing a single level for the batch cycle, as described in paragraph (b)(3)(i) of this section, an owner or operator may establish separate levels for each batch emission episode, or portion thereof, selected to be controlled. Each level shall be determined as specified in paragraph (b)(3)(i)(A) of this section.

* * * * *

(c) *Establishment of parameter monitoring levels based on performance tests, supplemented by engineering assessments and/or manufacturer's recommendations.* In cases where a performance test is required by this subpart, or the owner or operator elects to do a performance test in accordance with the provisions of this subpart, and the owner or operator elects to establish a parameter monitoring level for a control, recovery, or recapture device under this paragraph (c), the owner or operator shall supplement the parameter values measured during the performance test with engineering assessments and/or manufacturer's recommendations. Performance testing is not required to be conducted over the entire range of expected parameter values.

(d) *Establishment of parameter monitoring based on engineering assessments and/or manufacturer's recommendations.* In cases where a performance test is not required by this subpart and an owner or operator elects to establish a parameter monitoring level for a control, recovery, or recapture device under this paragraph (d), the determination of the parameter monitoring level shall be based exclusively on engineering assessments and/or manufacturer's recommendations.

(e) *Demonstration of compliance with back-end process provisions using stripper parameter monitoring.* If the owner or operator is demonstrating compliance with § 63.495 using stripper parameter monitoring, stripper parameter levels shall be established for each grade in accordance with paragraphs (e)(1) and (e)(2) of this section. A single set of stripper parameter levels may be representative of multiple grades.

* * * * *

(3) After the initial determinations, an owner or operator may add a grade, with corresponding stripper parameter levels, using the procedures in paragraphs (e)(1) and (e)(2) of this section. The results of this determination shall be submitted in the next periodic report.

* * * * *

(f) [Reserved.]

(g) * * *

(1) With respect to storage vessels (where the applicable monitoring plan specifies continuous monitoring), continuous front-end process vents, aggregate batch vent streams, back-end process operations complying through the use of control or recovery devices, and process wastewater streams, an excursion means any of the three cases listed in paragraphs (g)(1)(i) through (g)(1)(iii) of this section. For a control or recovery device where multiple parameters are monitored, if one or more of the parameters meets the excursion criteria in paragraphs (g)(1)(i) through (g)(1)(iii) of this section, this is considered a single excursion for the control or recovery device. For each excursion, the owner or operator shall be deemed out of compliance with the provisions of this subpart, except as provided in paragraph (i) of this section.

* * * * *

(ii) When the period of control or recovery device operation, with the exception noted in paragraph (g)(1)(v) of this section, is 4 hours or greater in an operating day and monitoring data are insufficient, as defined in paragraph (g)(1)(iv) of this section, to constitute a valid hour of data for at least 75 percent of the operating hours.

(iii) When the period of control or recovery device operation, with the exception noted in paragraph (g)(1)(v) of this section, is less than 4 hours in an operating day and more than two of the hours during the period of operation do not constitute a valid hour of data due to insufficient monitoring data, as defined in paragraph (g)(1)(iv) of this section.

* * * * *

(v) The periods listed in paragraphs (g)(1)(v)(A) through (g)(1)(v)(E) of this section are not considered to be part of the period of control or recovery device operation, for the purposes of paragraphs (g)(1)(ii) and (g)(1)(iii) of this section.

(A) Monitoring system breakdowns, repairs, calibration checks, and zero (low-level) and high-level adjustments;

(B) Start-ups;

(C) Shutdowns;

(D) Malfunctions; or

(E) Periods of non-operation of the affected source (or portion thereof), resulting in cessation of the emissions to which the monitoring applies.

(2) With respect to batch front-end process vents, an excursion means one of the two cases listed in paragraphs (g)(2)(i) and (g)(2)(ii) of this section. For a control device where multiple parameters are monitored, if one or more of the parameters meets the excursion criteria in either paragraph (g)(2)(i) or (g)(2)(ii) of this section, this is considered a single excursion for the control device. For each excursion, the owner or operator shall be deemed out of compliance with the provisions of this subpart, except as provided in paragraph (i) of this section.

* * * * *

(ii) When monitoring data are insufficient for an operating day. Monitoring data shall be considered insufficient when measured values are not available for at least 75 percent of the 15-minute periods when batch emission episodes selected to be controlled are being vented to the control device during the operating day, using the procedures specified in paragraphs (g)(2)(ii)(A) through (g)(2)(ii)(D) of this section.

(A) Determine the total amount of time during the operating day when batch emission episodes selected to be controlled are being vented to the control device.

(B) Subtract the time during the periods listed in paragraphs (g)(2)(ii)(B)(*1*) through (g)(2)(ii)(B)(*4*) of this section from the total amount of time determined in paragraph (g)(2)(ii)(A) of this section, to obtain the operating time used to determine if monitoring data are insufficient.

(*1*) Monitoring system breakdowns, repairs, calibration checks, and zero (low-level) and high-level adjustments;

(*2*) Start-ups;

(*3*) Shutdowns; or

(4) Malfunctions.

(C) Determine the total number of 15-minute periods in the operating time used to determine if monitoring data are insufficient, as was determined in accordance with paragraph (g)(2)(ii)(B) of this section.

(D) If measured values are not available for at least 75 percent of the total number of 15-minute periods determined in paragraph (g)(2)(ii)(C) of this section, the monitoring data are insufficient for the operating day.

(3) For storage vessels where the applicable monitoring plan does not specify continuous monitoring, an excursion is defined in paragraph (g)(3)(i) or (ii) of this section, as applicable. For a control or recovery device where multiple parameters are monitored, if one or more of the parameters meets the excursion criteria, this is considered a single excursion for the control or recovery device. For each excursion, the owner or operator shall be deemed out of compliance with the provisions of this subpart, except as provided in paragraph (i) of this section.

(i) If the monitoring plan specifies monitoring a parameter and recording its value at specific intervals (such as every 15 minutes or every hour), either of the cases listed in paragraph (g)(3)(i)(A) or (g)(3)(i)(B) of this section is considered a single excursion for the control device.

(A) When the average value of one or more parameters, averaged over the duration of the filling period for the storage vessel, is above the maximum level or below the minimum level established for the given parameters.

(B) When monitoring data are insufficient. Monitoring data shall be considered insufficient when measured values are not available for at least 75 percent of the specific intervals at which parameters are to be monitored and recorded, according to the storage vessel's monitoring plan, during the filling period for the storage vessel.

(ii) If the monitoring plan does not specify monitoring a parameter and recording its value at specific intervals (for example, if the relevant operating requirement is to exchange a disposable carbon canister before expiration of its rated service life), the monitoring plan shall define an excursion in terms of the relevant operating requirement.

(h) * * *

(1) With respect to back-end process operations complying through the use of stripping technology, and demonstrating compliance by sampling, an excursion means one of the two cases listed in paragraphs (h)(1)(i) and (h)(1)(ii) of this section. For each excursion, the owner or operator shall be deemed out of compliance with the provisions of this subpart, except as provided in paragraph (i) of this section.

* * * * *

(2) With respect to back-end process operations complying through the use of stripping technology, and demonstrating compliance by stripper parameter monitoring, an excursion means one of the three cases listed in paragraphs (h)(2)(i), (h)(2)(ii), and (h)(2)(iii) of this section. For each excursion, the owner or operator shall be deemed out of compliance with the provisions of this subpart, except as provided in paragraph (i) of this section.

* * * * *

27. Section 63.506 is amended by:

a. Revising paragraphs (a), (b)(1), (b)(2), (d) introductory text, (d)(2), (d)(3), (d)(6), (d)(7), (d)(8), (d)(9), (e) introductory text, (e)(1), (e)(2), (e)(3), (e)(4) introductory text, (e)(4)(i), (e)(4)(ii) introductory text, (e)(4)(ii)(B), (e)(4)(ii)(D), (e)(4)(ii)(F)(*1*), (e)(4)(ii)(F)(*2*), (e)(4)(ii)(F)(*4*), (e)(4)(ii)(F)(*5*), (e)(4)(ii)(G)(*1*), (e)(4)(ii)(H)(*2*), (e)(4)(ii)(H)(*3*)(*i*), (e)(4)(ii)(H)(*4*)(i), (e)(4)(ii)(I), (e)(4)(ii)(J), (e)(4)(ii)(K), (e)(4)(ii)(L)(*2*), (e)(4)(iii), (e)(4)(iv) introductory text, (e)(4)(iv)(A) introductory text, (e)(4)(iv)(B) introductory text, (e)(4)(iv)(C), (e)(5) introductory text, (e)(5)(i) introductory text, (e)(5)(i)(A), (e)(5)(ii) introductory text, (e)(5)(iii), (e)(5)(v), (e)(5)(vii) through (e)(5)(ix), (e)(6) introductory text, (e)(6)(i), (e)(6)(ii), (e)(6)(iii)(A), (e)(6)(iii)(B), (e)(6)(iii)(D) introductory text, (e)(6)(iii)(D)(*2*), (e)(6)(iii)(D)(*3*), (e)(6)(iii)(D)(*4*), (e)(6)(iv), (e)(6)(v)(B), (e)(6)(vi) through (e)(6)(xi), (e)(7), (e)(8), (f) introductory text, (f)(3) introductory text, (g) introductory text, (g)(1), (g)(2)(ii)(D), (g)(3) introductory text, (g)(3)(i)(A), (g)(4), (h) introductory text, (h)(1) introductory text, (h)(1)(ii)(B), (h)(1)(iv), (h)(1)(vi) introductory text, (h)(1)(vi)(B), (h)(1)(vi)(C), (h)(2)(i), (h)(2)(iii), and (h)(2)(iv)(A);

b. Removing paragraphs (b)(1)(i)(D), and (d)(10);

c. Removing and reserving paragraphs (c), (d)(4), (d)(5), (e)(5)(iv), and (e)(6)(iii)(C); and

d. Adding paragraphs (e)(4)(ii)(N), (e)(4)(iv)(D), (e)(5)(x) through (e)(5)(xii), (e)(6)(iii)(D)(*5*), (e)(6)(xii), (e)(7)(iv), (e)(7)(v), and (h)(1)(vi)(D), to read as follows:

§ 63.506 General recordkeeping and reporting provisions.

(a) *Data retention.* Unless otherwise specified in this subpart, the owner or operator of an affected source shall keep copies of all applicable records and reports required by this subpart for at least 5 years, as specified in paragraph (a)(1) of this section, with the exception listed in paragraph (a)(2) of this section.

(1) All applicable records shall be maintained in such a manner that they can be readily accessed. The most recent 6 months of records shall be retained on site or shall be accessible from a central location by computer or other means that provide access within 2 hours after a request. The remaining 4 and one-half years of records may be retained offsite. Records may be maintained in hard copy or computer-readable form including, but not limited to, on microfilm, computer, floppy disk, magnetic tape, or microfiche.

(2) If an owner or operator submits copies of reports to the appropriate EPA Regional Office, the owner or operator is not required to maintain copies of reports. If the EPA Regional Office has waived the requirement of § 63.10(a)(4)(ii) for submittal of copies of reports, the owner or operator is not required to maintain copies of those reports.

(b) * * *

(1) *Start-up, shutdown, and malfunction plan.* The owner or operator of an affected source shall develop and implement a written start-up, shutdown, and malfunction plan as specified in § 63.6(e)(3). This plan shall describe, in detail, procedures for operating and maintaining the affected source during periods of start-up, shutdown, and malfunction and a program for corrective action for malfunctioning process and air pollution control equipment used to comply with this subpart. A provision for ceasing to collect, during a start-up, shutdown, or malfunction, monitoring data that would otherwise be required by the provisions of this subpart may be included in the start-up, shutdown, and malfunction plan only if the owner or operator has demonstrated to the Administrator, through the Precompliance Report or a supplement to the Precompliance Report, that the monitoring system would be damaged or destroyed if it were not shut down during the start-up, shutdown, or malfunction. The affected source shall keep the start-up, shutdown, and malfunction plan on-site. Records associated with the plan shall be kept as specified in paragraphs (b)(1)(i)(A) through (b)(1)(i)(C) of this section. Reports related to the plan shall be submitted as specified in paragraph (b)(1)(ii) of this section.

(i) *Records of start-up, shutdown, and malfunction.* The owner or operator shall keep the records specified in paragraphs (b)(1)(i)(A) through (b)(1)(i)(C) of this section. 1

(A) Records of the occurrence and duration of each start-up, shutdown, and malfunction of operation of process equipment or control devices or recovery devices or continuous monitoring systems used to comply with this subpart during which excess emissions (as defined in § 63.480(j)(4)) occur.

(B) For each start-up, shutdown, or malfunction during which excess emissions (as defined in § 63.480(j)(4)) occur, records reflecting whether the procedures specified in the affected source's start-up, shutdown, and malfunction plan were followed, and documentation of actions taken that are not consistent with the plan. For example, if a start-up, shutdown, and malfunction plan includes procedures for routing a control device to a backup control device, records shall be kept of whether the plan was followed. These records may take the form of a ''checklist,'' or other form of recordkeeping that confirms conformance with the start-up, shutdown, and malfunction plan for the event.

(C) Records specified in paragraphs (b)(1)(i)(A) through (b)(1)(i)(B) of this section are not required if they pertain solely to Group 2 emission points that are not included in an emissions average.

(ii) *Reports of start-up, shutdown, and malfunction.* For the purposes of this subpart, the semiannual start-up, shutdown, and malfunction reports shall be submitted on the same schedule as the Periodic Reports required under paragraph (e)(6) of this section instead of the schedule specified in § 63.10(d)(5)(i). The reports shall include the information specified in paragraphs (b)(1)(i)(A) through (b)(1)(i)(B) of this section and shall contain the name, title, and signature of the owner or operator or other responsible official who is certifying its accuracy.

(2) *Application for approval of construction or reconstruction.* For new affected sources, each owner or operator shall comply with the provisions in § 63.5 regarding construction and reconstruction, excluding the provisions specified in § 63.5(d)(1)(ii)(H), (d)(1)(iii), (d)(2), and (d)(3)(ii).

(c) [Reserved.]

(d) *Recordkeeping and documentation.* Owners or operators required to keep continuous records shall keep records as specified in paragraphs (d)(1) through (d)(7) of this section, unless an alternative recordkeeping system has been requested and approved as specified in paragraph (g) of this section, and except as provided in paragraph (h) of this section. If a monitoring plan for storage vessels pursuant to § 63.484(k) requires continuous records, the monitoring plan shall specify which provisions, if any, of paragraphs (d)(1) through (d)(7) of this section apply. As described in § 63.484(k), certain storage vessels are not required to keep continuous records as specified in this paragraph. Owners and operators of such storage vessels shall keep records as specified in the monitoring plan required by § 63.484(k). Paragraphs (d)(8) and (d)(9) of this section specify documentation requirements.

* * * * *

(2) The owner or operator shall record either each measured data value or block average values for 1 hour or shorter periods calculated from all measured data values during each period. If values are measured more frequently than once per minute, a single value for each minute may be used to calculate the hourly (or shorter period) block average instead of all measured values. Owners or operators of batch front-end process vents shall record each measured data value.

(3) Daily average (or batch cycle daily average) values of each continuously monitored parameter shall be calculated for each operating day as specified in paragraphs (d)(3)(i) through (d)(3)(ii) of this section, except as specified in paragraphs (d)(6) and (d)(7) of this section.

(i) The daily average value or batch cycle daily average shall be calculated as the average of all parameter values recorded during the operating day, except as specified in paragraph (d)(7) of this section. For batch front-end process vents, as specified in § 63.491(e)(2)(i), only parameter values measured during those batch emission episodes, or portions thereof, in the batch cycle that the owner or operator has chosen to control shall be used to calculate the average. The calculated average shall cover a 24-hour period if operation is continuous, or the number of hours of operation per operating day if operation is not continuous.

(ii) The operating day shall be the period that the owner or operator specifies in the operating permit or the Notification of Compliance Status for purposes of determining daily average values or batch cycle daily average values of monitored parameters.

(4) [Reserved.]

(5) [Reserved.]

(6) *Records required when all recorded values are within the established limits.* If all recorded values for a monitored parameter during an operating day are above the minimum level or below the maximum level established in the Notification of Compliance Status or operating permit, the owner or operator may record that all values were above the minimum level or below the maximum level rather than calculating and recording a daily average (or batch cycle daily average) for that operating day.

(7) Monitoring data recorded during periods identified in paragraphs (d)(7)(i) through (d)(7)(v) of this section shall not be included in any average computed under this subpart. Records shall be kept of the times and durations of all such periods and any other periods during process or control device or recovery device operation when monitors are not operating.

(i) Monitoring system breakdowns, repairs, calibration checks, and zero (low-level) and high-level adjustments;

(ii) Start-ups;

(iii) Shutdowns;

(iv) Malfunctions; or

(v) Periods of non-operation of the affected source (or portion thereof), resulting in cessation of the emissions to which the monitoring applies.

(8) For continuous monitoring systems used to comply with this subpart, records documenting the completion of calibration checks, and records documenting the maintenance of continuous monitoring systems that are specified in the manufacturer's instructions or that are specified in other written procedures that provide adequate assurance that the equipment would reasonably be expected to monitor accurately.

(9) The owner or operator of an affected source granted a waiver under § 63.10(f) shall maintain the information, if any, specified by the Administrator as a condition of the waiver of recordkeeping or reporting requirements.

(e) *Reporting and notification.* In addition to the reports and notifications required by subpart A, as specified in Table 1 of this subpart, the owner or operator of an affected source shall prepare and submit the reports listed in paragraphs (e)(3) through (e)(8) of this section, as applicable. All reports required by this subpart, and the schedule for their submittal, are listed in Table 9 of this subpart.

(1) Owners and operators shall not be in violation of the reporting requirements of this subpart for failing to submit information required to be included in a specified report if the owner or operator meets the requirements in paragraphs (e)(1)(i) through (e)(1)(iii) of this section. Examples of circumstances where this

paragraph may apply include information related to newly-added equipment or emission points, changes in the process, changes in equipment required or utilized for compliance with the requirements of this subpart, or changes in methods or equipment for monitoring, recordkeeping, or reporting.

(i) The information was not known in time for inclusion in the report specified by this subpart;

(ii) The owner or operator has been diligent in obtaining the information; and

(iii) The owner or operator submits a report according to the provisions of paragraphs (e)(1)(iii)(A) through (e)(1)(iii)(C) of this section.

(A) If this subpart expressly provides for supplements to the report in which the information is required, the owner or operator shall submit the information as a supplement to that report. The information shall be submitted no later than 60 days after it is obtained, unless otherwise specified in this subpart.

(B) If this subpart does not expressly provide for supplements, but the owner or operator must submit a request for revision of an operating permit pursuant to part 70 or part 71, due to circumstances to which the information pertains, the owner or operator shall submit the information with the request for revision to the operating permit.

(C) In any case not addressed by paragraph (e)(1)(iii)(A) or (e)(1)(iii)(B) of this paragraph, the owner or operator shall submit the information with the first Periodic Report, as required by this subpart, which has a submission deadline at least 60 days after the information is obtained.

(2) All reports required under this subpart shall be sent to the Administrator at the appropriate address listed in § 63.13. If acceptable to both the Administrator and the owner or operator of a source, reports may be submitted on electronic media.

(3) *Precompliance Report.* Owners or operators of affected sources requesting an extension for compliance; requesting approval to use alternative monitoring parameters, alternative continuous monitoring and recordkeeping, or alternative controls; requesting approval to use engineering assessment to estimate emissions from a batch emissions episode, as described in § 63.488(b)(6)(i); wishing to establish parameter monitoring levels according to the procedures contained in § 63.505(c) or (d); or requesting approval to incorporate a provision for ceasing to collect monitoring data, during a start-up, shutdown, or malfunction, into the start-up, shutdown, and malfunction plan, when that monitoring equipment would be damaged if it did not cease to collect monitoring data, as permitted under § 63.480(j)(3), shall submit a Precompliance Report according to the schedule described in paragraph (e)(3)(i) of this section. The Precompliance Report shall contain the information specified in paragraphs (e)(3)(ii) through (e)(3)(viii) of this section, as appropriate.

(i) *Submittal dates.* The Precompliance Report shall be submitted to the Administrator no later than 12 months prior to the compliance date. Unless the Administrator objects to a request submitted in the Precompliance Report within 45 days after its receipt, the request shall be deemed approved. For new affected sources, the Precompliance Report shall be submitted to the Administrator with the application for approval of construction or reconstruction required in paragraph (b)(2) of this section. Supplements to the Precompliance Report may be submitted as specified in paragraph (e)(3)(ix) of this section.

(ii) A request for an extension for compliance, as specified in § 63.481(e), may be submitted in the Precompliance Report. The request for a compliance extension shall include the data outlined in § 63.6(i)(6)(i)(A), (B), and (D), as required in § 63.481(e)(1).

(iii) The alternative monitoring parameter information required in paragraph (f) of this section shall be submitted in the Precompliance Report if, for any emission point, the owner or operator of an affected source seeks to comply through the use of a control technique other than those for which monitoring parameters are specified in this subpart or in subpart G of this part, or seeks to comply by monitoring a different parameter than those specified in this subpart or in subpart G of this part.

(iv) If the affected source seeks to comply using alternative continuous monitoring and recordkeeping as specified in paragraph (g) of this section, the owner or operator shall submit a request for approval in the Precompliance Report.

(v) The owner or operator shall report the intent to use alternative controls to comply with the provisions of this subpart in the Precompliance Report. The Administrator may deem alternative controls to be equivalent to the controls required by the standard, under the procedures outlined in § 63.6(g).

(vi) If a request for approval to use engineering assessment to estimate emissions from a batch emissions episode, as described in § 63.488(b)(6)(i)(C) is being made, the information required by § 63.488(b)(6)(iii)(B) shall be submitted in the Precompliance Report.

(vii) If an owner or operator establishes parameter monitoring levels according to the procedures contained in § 63.505(c) or (d), the following information shall be submitted in the Precompliance Report:

(A) Identification of which procedures (i.e., § 63.505(c) or (d)) are to be used; and

(B) A description of how the parameter monitoring level is to be established. If the procedures in § 63.505(c) are to be used, a description of how performance test data will be used shall be included.

(viii) If the owner or operator is requesting approval to incorporate a provision for ceasing to collect monitoring data, during a start-up, shutdown, or malfunction, into the start-up, shutdown, and malfunction plan, when that monitoring equipment would be damaged if it did not cease to collect monitoring data, the information specified in paragraphs (e)(3)(viii)(A) and (B) shall be supplied in the Precompliance Report or in a supplement to the Precompliance Report. The Administrator shall evaluate the supporting documentation and shall approve the request only if, in the Administrator's judgment, the specific monitoring equipment would be damaged by the contemporaneous start-up, shutdown, or malfunction.

(A) Documentation supporting a claim that the monitoring equipment would be damaged by the contemporaneous start-up, shutdown, or malfunction; and

(B) A request to incorporate such a provision for ceasing to collect monitoring data during a start-up, shutdown, or malfunction, into the start-up, shutdown, and malfunction plan.

(ix) Supplements to the Precompliance Report may be submitted as specified in paragraph (e)(3)(ix)(A), or (e)(3)(ix)(B) of this section. Unless the Administrator objects to a request submitted in a supplement to the Precompliance Report within 45 days after its receipt, the request shall be deemed approved.

(A) Supplements to the Precompliance Report may be submitted to clarify or modify information previously submitted.

(B) Supplements to the Precompliance Report may be submitted to request approval to use alternative monitoring parameters, as specified in paragraph (e)(3)(iii) of this section; to use alternative continuous monitoring and recordkeeping, as specified in paragraph (e)(3)(iv) of this section; to use

alternative controls, as specified in paragraph (e)(3)(v) of this section; to use engineering assessment to estimate emissions from a batch emissions episode, as specified in paragraph (e)(3)(vi) of this section; to establish parameter monitoring levels according to the procedures contained in § 63.505(c) or (d), as specified in paragraph (e)(3)(vii) of this section; or to include a provision for ceasing to collect monitoring data during a start-up, shutdown, or malfunction, in the start-up, shutdown, and malfunction plan, when that monitoring equipment would be damaged if it did not cease to collect monitoring data, as specified in paragraph (e)(3)(viii) of this section.

(4) *Emissions Averaging Plan.* For all existing affected sources using emissions averaging, an Emissions Averaging Plan shall be submitted for approval according to the schedule and procedures described in paragraph (e)(4)(i) of this section. The Emissions Averaging Plan shall contain the information specified in paragraph (e)(4)(ii) of this section, unless the information required in paragraph (e)(4)(ii) of this section is submitted with an operating permit application. An owner or operator of an affected source who submits an operating permit application instead of an Emissions Averaging Plan shall submit the information specified in paragraph (e)(8) of this section. In addition, a supplement to the Emissions Averaging Plan, as required under paragraph (e)(4)(iii) of this section, is to be submitted whenever additional alternative controls or operating scenarios may be used to comply with this subpart. Updates to the Emissions Averaging Plan shall be submitted in accordance with paragraph (e)(4)(iv) of this section.

(i) *Submittal and approval.* The Emissions Averaging Plan shall be submitted no later than 18 months prior to the compliance date, and is subject to Administrator approval. The Administrator shall determine within 120 days whether the Emissions Averaging Plan submitted presents sufficient information. The Administrator shall either approve the Emissions Averaging Plan, request changes, or request that the owner or operator submit additional information. Once the Administrator receives sufficient information, the Administrator shall approve, disapprove, or request changes to the plan within 120 days.

(ii) *Information required.* The Emissions Averaging Plan shall contain the information listed in paragraphs (e)(4)(ii)(A) through (e)(4)(ii)(N) of this section for all emission points included in an emissions average.

* * * * *

(B) The required information shall include the projected emission debits and credits for each emission point and the sum for the emission points involved in the average calculated according to § 63.503. The projected credits shall be greater than or equal to the projected debits, as required under § 63.503(e)(3).

* * * * *

(D) The required information shall include the specific identification of each emission point affected by a pollution prevention measure. To be considered a pollution prevention measure, the criteria in § 63.503(j)(1) shall be met. If the same pollution prevention measure reduces or eliminates emissions from multiple emission points in the average, the owner or operator shall identify each of these emission points.

* * * * *

(F) * * *

(*1*) The required documentation shall include the values of the parameters used to determine whether the emission point is Group 1 or Group 2. Where a TRE index value is used for continuous front-end process vent group determination, the estimated or measured values of the parameters used in the TRE equation in § 63.115(d) and the resulting TRE index value shall be submitted.

(*2*) The required documentation shall include the estimated values of all parameters needed for input to the emission debit and credit calculations in § 63.503(g) and (h). These parameter values shall be specified in the affected source's Emissions Averaging Plan (or operating permit) as enforceable operating conditions. Changes to these parameters shall be reported in an update to the Emissions Averaging Plan, as required by paragraph (e)(4)(iv)(B)(*2*) of this section.

* * * * *

(*4*) The required documentation shall include the anticipated nominal efficiency if a control technology achieving a greater percent emission reduction than the efficiency of the reference control technology is or will be applied to the emission point. The procedures in § 63.503(i) shall be followed to apply for a nominal efficiency, and the report specified in paragraph (e)(7)(ii) of this section shall be submitted with the Emissions Averaging Plan as specified in paragraph (e)(7)(ii)(A) of this section.

(*5*) The required documentation shall include the monitoring plan specified in § 63.122(b), to include the information specified in § 63.120(d)(2)(i) and in either § 63.120(d)(2)(ii) or (d)(2)(iii) for each storage vessel controlled with a closed-vent system using a control device other than a flare.

(G) * * *

(*1*) Each continuous front-end process vent subject to § 63.485 controlled by a pollution prevention measure or control technique for which monitoring parameters or inspection procedures are not specified in § 63.114; and

* * * * *

(H) * * *

(*2*) The required documentation shall include the estimated values of all parameters needed for input to the wastewater emission credit and debit calculations in § 63.503(g)(5) and (h)(5). These parameter values shall be specified in the affected source's Emissions Averaging Plan (or operating permit) as enforceable operating conditions. Changes to these parameters shall be reported as required by paragraph (e)(4)(iv)(B)(*2*) of this section.

(3) * * *

(*i*) A control technology that achieves an emission reduction less than or equal to the emission reduction that would otherwise have been achieved by a stream stripper designed to the specifications found in § 63.138(g) is or will be applied to the wastewater stream, or

* * * * *

(*4*) * * *

(*i*) A control technology that achieves an emission reduction greater than the emission reduction that would have been achieved by a steam stripper designed to the specifications found in § 63.138(g) is or will be applied to the wastewater stream, or

* * * * *

(I) For each pollution prevention measure, treatment process, or control device used to reduce air emissions of organic HAP from wastewater and for which no monitoring parameters or inspection procedures are specified in § 63.143, the information specified in paragraph (f) of this section (Alternative Monitoring Parameters) shall be included in the Emissions Averaging Plan.

(J) The required information shall include documentation of the data required by estimated values of all parameters needed for input to the emission debit and credit calculations in § 63.503(g) and (h) for each process back-end operation included in an emissions average. These values shall be specified in the affected source's Emissions Averaging Plan (or operating permit) as enforceable operating

conditions. Changes to these parameters shall be reported as required by paragraph (e)(4)(iv)(B)(*2*) of this section.

(K) The required information shall include documentation of the information required by § 63.503(k). The documentation shall demonstrate that the emissions from the emission points proposed to be included in the average will not result in greater hazard or, at the option of the Administrator, greater risk to human health or the environment than if the emission points were not included in an emissions average.

(L) * * *

(*2*) The required information shall include the estimated values of all parameters needed for input to the emission debit and credit calculations in § 63.503(g) and (h). These parameter values shall be specified in the affected source's Emissions Averaging Plan (or operating permit) as enforceable operating conditions. Changes to these parameters shall be reported as required by paragraph (e)(4)(iv) of this section.

* * * * *

(N) The required information shall include documentation of the data required by § 63.503(k). The documentation shall demonstrate that the emissions from the emission points proposed to be included in the emissions average will not result in greater hazard or, at the option of the Administrator, greater risk to human health or the environment than if the emission points were not included in an emissions average.

(iii) *Supplement to Emissions Averaging Plan.* The owner or operator required to prepare an Emissions Averaging Plan under paragraph (e)(4) of this section shall also prepare a supplement to the Emissions Averaging Plan for any additional alternative controls or operating scenarios that may be used to achieve compliance.

(iv) *Updates to Emissions Averaging Plan.* The owner or operator of an affected source required to submit an Emissions Averaging Plan under paragraph (e)(4) of this section shall also submit written updates of the Emissions Averaging Plan to the Administrator for approval under the circumstances described in paragraphs (e)(4)(iv)(A) through (e)(4)(iv)(C) of this section unless the relevant information has been included and submitted in an operating permit application or amendment.

(A) The owner or operator who plans to make a change listed in either paragraph (e)(4)(iv)(A)(*1*) or (e)(4)(iv)(A)(*2*) of this section shall submit an Emissions Averaging Plan update at least 120 days prior to making the change.

* * * * *

(B) The owner or operator who has made a change as defined in paragraph (e)(4)(iv)(B)(*1*) or (e)(4)(iv)(B)(*2*) of this section shall submit an Emissions Averaging Plan update within 90 days after the information regarding the change is known to the affected source. The update may be submitted in the next quarterly periodic report if the change is made after the date the Notification of Compliance Status is due.

* * * * *

(C) The owner or operator who plans to make a change listed in either paragraph (e)(4)(iv)(A)(*1*) or (e)(4)(iv)(A)(*2*) of this section shall submit an Emissions Averaging Plan update at least 120 days prior to making the change.

(D) The Administrator shall approve or request changes to the Emissions Averaging Plan update within 120 days of receipt of sufficient information regarding the change for emission points included in emissions averages.

(5) *Notification of Compliance Status.* For existing and new affected sources, a Notification of Compliance Status shall be submitted. For equipment leaks subject to § 63.502, the owner or operator shall submit the information required in § 63.182(c) in the Notification of Compliance Status within 150 days after the first applicable compliance date for equipment leaks in the affected source, and an update shall be provided in the first Periodic Report that is due at least 150 days after each subsequent applicable compliance date for equipment leaks in the affected source. For all other emission points, including heat exchange systems, the Notification of Compliance Status shall contain the information listed in paragraphs (e)(5)(i) through (e)(5)(xii) of this section, as applicable, and shall be submitted no later than 150 days after the compliance dates specified in this subpart.

(i) The results of any emission point group determinations, process section applicability determinations, performance tests, inspections, continuous monitoring system performance evaluations, any other information used to demonstrate compliance, values of monitored parameters established during performance tests, and any other information required to be included in the Notification of Compliance Status under § 63.481(k), § 63.122, and § 63.484 for storage vessels, § 63.117 for continuous front-end process vents, § 63.492 for batch front-end process vents, § 63.499 for back-end process operations, § 63.146 for process wastewater, and § 63.503 for emission points included in an emissions average. In addition, the owner or operator of an affected source shall comply with paragraphs (e)(5)(i)(A) and (e)(5)(i)(B) of this section.

(A) For performance tests, group determinations, and process section applicability determinations that are based on measurements, the Notification of Compliance Status shall include one complete test report, as described in paragraph (e)(5)(i)(B) of this section, for each test method used for a particular kind of emission point. For additional tests performed for the same kind of emission point using the same method, the results and any other information, from the test report, that is requested on a case-by-case basis by the Administrator shall be submitted, but a complete test report is not required.

* * * * *

(ii) For each monitored parameter for which a maximum or minimum level is required to be established under § 63.114(e) and § 63.485(k) for continuous front-end process vents, § 63.489 for batch front-end process vents and aggregate batch vent streams, § 63.497 for back-end process operations, § 63.143(f) for process wastewater, § 63.503(m) for emission points in emissions averages, paragraph (e)(8) of this section, or paragraph (f) of this section, the information specified in paragraphs (e)(5)(ii)(A) through (e)(5)(ii)(E) of this section shall be submitted in the Notification of Compliance Status, unless this information has been established and provided in the operating permit application. Further, as described in § 63.484(k), for those storage vessels for which the monitoring plan required by § 63.484(k) specifies compliance with the provisions of § 63.505, the owner or operator shall provide the information specified in paragraphs (e)(5)(ii)(A) through (e)(5)(ii)(D) of this section for each monitoring parameter, unless this information has been established and provided in the operating permit application. For those storage vessels for which the monitoring plan required by § 63.484(k) does not require compliance with the provisions of § 63.505, the owner or operator shall provide the information specified in § 63.120(d)(3) as part of the Notification of Compliance Status, unless this information has been established and provided in the operating permit application.

* * * * *

(iii) For emission points included in an emissions average, the Notification of Compliance Status shall contain the values of all parameters needed for input to the emission credit and debit equations in § 63.503(g) and (h), calculated or measured according to the procedures in § 63.503(g) and (h), and the resulting calculation of credits and debits for the first quarter of the year. The first quarter begins on the compliance date specified.

(iv) [Reserved.]

(v) The determination of applicability for flexible operation units as specified in § 63.480(f).

* * * * *

(vii) The results for each predominant use determination made under § 63.480(g), for storage vessels assigned to an affected source subject to this subpart.

(viii) The results for each predominant use determination made under § 63.480(h) for recovery operations equipment assigned to an affected source subject to this subpart.

(ix) For owners and operators of Group 2 batch front-end process vents establishing a batch mass input limitation, as specified in § 63.490(f), the affected source's operating year for purposes of determining compliance with the batch mass input limitation.

(x) If any emission point is subject to this subpart and to other standards as specified in § 63.481(k), and if the provisions of § 63.481(k) allow the owner or operator to choose which testing, monitoring, reporting, and recordkeeping provisions will be followed, then the Notification of Compliance Status shall indicate which rule's requirements will be followed for testing, monitoring, reporting, and recordkeeping.

(xi) An owner or operator who transfers a Group 1 wastewater stream or residual removed from a Group 1 wastewater stream for treatment pursuant to § 63.132(g) shall include in the Notification of Compliance Status the name and location of the transferee and a description of the Group 1 wastewater stream or residual sent to the treatment facility.

(xii) An owner or operator complying with paragraph (h)(1) of this section shall notify the Administrator of the election to comply with paragraph (h)(1) of this section as part of the Notification of Compliance Status, or as part of the appropriate Periodic Report, as specified in paragraph (e)(6)(ix) of this section.

(6) *Periodic Reports.* For existing and new affected sources, the owner or operator shall submit Periodic Reports as specified in paragraphs (e)(6)(i) through (e)(6)(xii) of this section. In addition, for equipment leaks subject to § 63.502, the owner or operator shall submit the information specified in § 63.182(d) under the conditions listed in § 63.182(d), and for heat exchange systems subject to § 63.502(n), the owner or operator shall submit the information specified in § 63.104(f)(2) as part of the Periodic Report required by this paragraph (e)(6). Section § 63.505 shall govern the use of monitoring data to determine compliance for Group 1 emission points and for Group 1 and Group 2 emission points included in emissions averages with the following exception: as discussed in § 63.484(k), for storage vessels to which the provisions of § 63.505 do not apply, as specified in the monitoring plan required by § 63.120(d)(2), the owner or operator is required to comply with the requirements set out in the monitoring plan, and monitoring records may be used to determine compliance.

(i) Except as specified in paragraphs (e)(6)(xi) and (e)(6)(xii) of this section, a report containing the information in paragraph (e)(6)(ii) of this section or paragraphs (e)(6)(iii) through (e)(6)(x) of this section, as appropriate, shall be submitted semiannually no later than 60 days after the end of each 6-month period. The first report shall be submitted no later than 240 days after the date the Notification of Compliance Status is due and shall cover the 6-month period beginning on the date the Notification of Compliance Status is due.

(ii) If none of the compliance exceptions in paragraphs (e)(6)(iii) through (e)(6)(ix) of this section occurred during the 6-month period, the Periodic Report required by paragraph (e)(6)(i) of this section shall be a statement that there were no compliance exceptions as described in this paragraph for the 6-month period covered by that report and that none of the activities specified in paragraphs (e)(6)(iii) through (e)(6)(ix) of this section occurred during the 6-month period covered by that report.

(iii) * * *

(A) All information specified in § 63.122(a)(4) for storage vessels, §§ 63.117(a)(3) and 63.118(f) and 63.485(s)(5) for continuous front-end process vents, § 63.492 for batch front-end process vents and aggregate batch vent streams, § 63.499 for back-end process operations, § 63.104(b)(4) for heat exchange systems, and §§ 63.146(c) through 63.146(f) for process wastewater.

(B) The daily average values or batch cycle daily average values of monitored parameters for all excursions, as defined in § 63.505(g) and § 63.505(h). For excursions caused by lack of monitoring data, the start-time and duration of periods when monitoring data were not collected shall be specified.

(C) [Reserved.]

(D) The information in paragraphs (e)(6)(iii)(D)(*1*) through (e)(6)(iii)(D)(*5*) of this section, as applicable:

* * * * *

(*2*) Notification if a process change is made such that the group status of any emission point changes from Group 2 to Group 1. The owner or operator is not required to submit a notification of a process change if that process change caused the group status of an emission point to change from Group 1 to Group 2. However, until the owner or operator notifies the Administrator that the group status of an emission point has changed from Group 1 to Group 2, the owner or operator is required to continue to comply with the Group 1 requirements for that emission point. This notification may be submitted at any time.

(*3*) Notification if one or more emission points (other than equipment leaks) or one or more EPPU is added to an affected source. The owner or operator shall submit the information contained in paragraphs (e)(6)(iii)(D)(*3*)(*i*) through (e)(6)(iii)(D)(*3*)(*ii*) of this section.

(*i*) A description of the addition to the affected source; and

(*ii*) Notification of the group status of the additional emission point or all emission points in the EPPU.

(*4*) Notification if a standard operating procedure, as defined in § 63.500(a)(2), is changed and the change has the potential for increasing the concentration of carbon disulfide in the crumb dryer exhaust. This notification shall also include test results of the carbon disulfide concentration resulting from the new standard operating procedure.

(*5*) For process wastewater streams sent for treatment pursuant to § 63.132(g), reports of changes in the identity of the treatment facility or transferee.

* * * * *

(iv) For each batch front-end process vent with a batch mass input limitation, every second Periodic Report shall include the mass of HAP or material input to the batch unit operation during the 12-month period covered by the preceding and current Periodic Reports, and a statement of whether the batch front-end process vent was in or out of compliance with the batch mass input limitation.

(v) * * *

(B) For additional tests performed for the same kind of emission point using the same method, results and any other information, pertaining to the performance test, that is requested on a case-by-case basis by the Administrator shall be submitted, but a complete test report is not required.

(vi) Notification of a change in the primary product of an EPPU, in accordance with the provisions in § 63.480(f). This includes a change in primary product from one elastomer product to either another elastomer product or to a non-elastomer product.

(vii) The results for each change made to a predominant use determination made under § 63.480(g) for a storage vessel that is assigned to an affected source subject to this subpart after the change.

(viii) The results for each change made to a predominant use determination made under § 63.480(h) for recovery operations equipment assigned to an affected source subject to this subpart after the change.

(ix) An owner or operator complying with paragraph (h)(1) of this section shall notify the Administrator of the election to comply with paragraph (h)(1) of this section as part of the Periodic Report or as part of the Notification of Compliance Status as specified in paragraph (e)(5)(xi) of this section.

(x) An owner or operator electing not to retain daily average or batch cycle daily average values under paragraph (h)(2) of this section shall notify the Administrator as specified in paragraph (h)(2)(i) of this section.

(xi) The owner or operator of an affected source shall submit quarterly reports for all emission points included in an emissions average as specified in paragraphs (e)(6)(xi)(A) through (e)(6)(xi)(C) of this section.

(A) The quarterly reports shall be submitted no later than 60 days after the end of each quarter. The first report shall be submitted with the Notification of Compliance Status no later than 150 days after the compliance date.

(B) The quarterly reports shall include the information specified in paragraphs (e)(6)(xi)(B)(*1*) through (e)(6)(xi)(B)(*7*) of this section for all emission points included in an emissions average.

(*1*) The credits and debits calculated each month during the quarter;

(*2*) A demonstration that debits calculated for the quarter are not more than 1.30 times the credits calculated for the quarter, as required under § 63.503(e)(4);

(*3*) The values of any inputs to the debit and credit equations in § 63.503(g) and (h) that change from month to month during the quarter or that have changed since the previous quarter;

(*4*) Results of any performance tests conducted during the reporting period including one complete report for each test method used for a particular kind of emission point as described in paragraph (e)(6)(v) of this section;

(*5*) Reports of daily average values or batch cycle daily averages of monitored parameters for excursions as defined in § 63.505(g) or (h);

(*6*) For excursions caused by lack of monitoring data, the duration of periods when monitoring data were not collected shall be specified; and

(*7*) Any other information the affected source is required to report under the operating permit or Emissions Averaging Plan for the affected source.

(C) Every fourth quarterly report shall include the following:

(*1*) A demonstration that annual credits are greater than or equal to annual debits as required by § 63.503(e)(3); and

(*2*) A certification of compliance with all the emissions averaging provisions in § 63.503.

(xii) The owner or operator of an affected source shall submit quarterly reports for particular emission points and process sections not included in an emissions average as specified in paragraphs (e)(6)(xii)(A) through (e)(6)(xii)(D) of this section.

(A) The owner or operator of an affected source shall submit quarterly reports for a period of 1 year for an emission point or process section that is not included in an emissions average if:

(*1*) A control or recovery device for a particular emission point or process section has more excursions, as defined in § 63.505(g) or § 63.505(h), than the number of excused excursions allowed under § 63.505(i) for a semiannual reporting period; or

(*2*) The Administrator requests that the owner or operator submit quarterly reports for the emission point or process section.

(B) The quarterly reports shall include all information specified in paragraphs (e)(6)(iii) through (e)(6)(ix) of this section, as applicable to the emission point or process section for which quarterly reporting is required under paragraph (e)(6)(xii)(A) of this section. Information applicable to other emission points within the affected source shall be submitted in the semiannual reports required under paragraph (e)(6)(i) of this section.

(C) Quarterly reports shall be submitted no later than 60 days after the end of each quarter.

(D) After quarterly reports have been submitted for an emission point for 1 year without more excursions occurring (during that year) than the number of excused excursions allowed under § 63.505(i), the owner or operator may return to semiannual reporting for the emission point or process section.

(*7*) *Other reports.* Other reports shall be submitted as specified in paragraphs (e)(7)(i) through (e)(7)(v) of this section.

(i) For storage vessels, the notifications of inspections required by § 63.484 shall be submitted, as specified in § 63.122(h)(1) and (h)(2).

(ii) For owners or operators of affected sources required to request approval for a nominal control efficiency for use in calculating credits for an emissions average, the information specified in § 63.503(i) shall be submitted, as specified in paragraph (e)(7)(ii)(A) or (e)(7)(ii)(B) of this section, as appropriate.

(A) If use of a nominal control efficiency is part of the initial Emissions Averaging Plan described in paragraph (e)(4)(ii) of this section, the information in paragraph (e)(7)(iii) of this section shall be submitted with the Emissions Averaging Plan.

(B) If an owner or operator elects to use a nominal control efficiency after submittal of the initial Emissions Averaging Plan as described in paragraph (e)(4)(ii) of this section, the information required by paragraph (e)(7)(ii) of this section shall be submitted at the discretion of the owner or operator.

(iii) For back-end process operations using a control or recovery device to comply with §§ 63.493 through 63.500, the compliance redetermination report required by § 63.499(d) shall be submitted within 180 days after the process change.

(iv) When the conditions of § 63.480(f)(3)(i) or § 63.480(f)(4)(i) are met, reports of changes to the primary product for an EPPU or process unit, as required by § 63.480(f)(3)(ii) or § 63.480(f)(4)(ii), respectively, shall be submitted.

(v) Owners or operators of EPPU or emission points (other than equipment leak components subject to § 63.502) that are subject to § 63.480(i)(1) or (i)(2) shall submit a report as specified in paragraphs (e)(7)(v)(A) and (B) of this section.

(A) Reports shall include:

(*1*) A description of the process change or addition, as appropriate;

(*2*) The planned start-up date and the appropriate compliance date, according to § 63.480(i)(1) or (2);

(*3*) Identification of the group status of emission points (except equipment leak components subject to the requirements in § 63.502) specified in paragraphs

(e)(7)(v)(A)(*3*)(*i*) through (*iii*) of this section, as applicable.

(*i*) All the emission points in the added EPPU, as described in § 63.480(i)(1).

(*ii*) All the emission points in an affected source designated as a new affected source under § 63.480(i)(2)(i).

(*iii*) All the added or created emission points as described in § 63.480(i)(2)(ii).

(*4*) If the owner or operator wishes to request approval to use alternative monitoring parameters, alternative continuous monitoring or recordkeeping, alternative controls, engineering assessment to estimate emissions from a batch emissions episode, or wishes to establish parameter monitoring levels according to the procedures contained in § 63.505(c) or (d), a Precompliance Report shall be submitted in accordance with paragraph (e)(7)(v)(B) of this section.

(B) Reports shall be submitted as specified in paragraphs (e)(7)(v)(B)(*1*) through (e)(7)(v)(B)(*3*) of this section, as appropriate.

(*1*) Owners or operators of an added EPPU subject to § 63.480(i)(1) shall submit a report no later than 180 days prior to the compliance date for the EPPU.

(*2*) Owners or operators of an affected source designated as a new affected source under § 63.480(i)(2)(i) shall submit a report no later than 180 days prior to the compliance date for the affected source.

(*3*) Owners and operators of any emission point (other than equipment leak components subject to § 63.502) subject to § 63.480(i)(2)(ii) shall submit a report no later than 180 days prior to the compliance date for those emission points.

(8) *Operating Permit Application.* An owner or operator who submits an operating permit application instead of an Emissions Averaging Plan or a Precompliance Report shall include the following information with the operating permit application:

* * * * *

(f) *Alternative monitoring parameters.* The owner or operator of an affected source who has been directed by any section of this subpart, or any section of another subpart referenced by this subpart, that expressly references this paragraph (f) or § 63.151(f) to set unique monitoring parameters, or who requests approval to monitor a different parameter than those listed in § 63.484 for storage vessels, § 63.114 for continuous front-end process vents, § 63.489 for batch front-end process vents and aggregate batch vent streams, § 63.497 for back-end process operations, or § 63.143 for process wastewater shall submit the information specified in paragraphs (f)(1) through (f)(3) of this section in the Precompliance Report, as required by paragraph (e)(3) of this section. The owner or operator shall retain for a period of 5 years each record required by paragraphs (f)(1) through (f)(3) of this section.

* * * * *

(3) The required information shall include a description of the proposed monitoring, recordkeeping, and reporting system, to include the frequency and content of monitoring, recordkeeping, and reporting. Further, the rationale for the proposed monitoring, recordkeeping, and reporting system shall be included if either condition in paragraph (f)(3)(i) or (f)(3)(ii) of this section is met:

* * * * *

(g) *Alternative continuous monitoring and recordkeeping.* An owner or operator choosing not to implement the continuous parameter operating and recordkeeping provisions listed in § 63.485 for continuous front-end process vents, § 63.486 for batch front-end process vents and aggregate batch vent streams, § 63.493 for back-end process operations, and § 63.501 for process wastewater, may instead request approval to use alternative continuous monitoring and recordkeeping provisions according to the procedures specified in paragraphs (g)(1) through (g)(4) of this section. Requests shall be submitted in the Precompliance Report as specified in paragraph (e)(3)(iv) of this section, if not already included in the operating permit application, and shall contain the information specified in paragraphs (g)(2)(ii) and (g)(3)(ii) of this section, as applicable.

(1) The provisions in § 63.8(f)(5)(i) shall govern the review and approval of requests.

(2) * * *

(ii) * * *

(D) Demonstration to the Administrator's satisfaction that the proposed monitoring frequency is sufficient to represent control or recovery device operating conditions, considering typical variability of the specific process and control or recovery device operating parameter being monitored.

(3) An owner or operator may request approval to use an automated data compression recording system that does not record monitored operating parameter values at a set frequency, but that records all values that meet set criteria for variation from previously recorded values, in accordance with paragraphs (g)(3)(i) and (g)(3)(ii) of this section.

(i) * * *

(A) Measure the operating parameter value at least once during every 15 minute period;

* * * * *

(4) An owner or operator may request approval to use other alternative monitoring systems according to the procedures specified in § 63.8(f)(4).

(h) *Reduced recordkeeping program.* For any parameter with respect to any item of equipment, the owner or operator may implement the recordkeeping requirements in paragraph (h)(1) or (h)(2) of this section as alternatives to the continuous operating parameter monitoring and recordkeeping provisions that would otherwise apply under this subpart. The owner or operator shall retain for a period of 5 years each record required by paragraph (h)(1) or (h)(2) of this section, except as otherwise provided in paragraph (h)(1)(vi)(D) of this section.

(1) The owner or operator may retain only the daily average or the batch cycle daily average value, and is not required to retain more frequent monitored operating parameter values, for a monitored parameter with respect to an item of equipment, if the requirements of paragraphs (h)(1)(i) through (h)(1)(vi) of this section are met. An owner or operator electing to comply with the requirements of paragraph (h)(1) of this section shall notify the Administrator in the Notification of Compliance Status as specified in paragraph (e)(5)(xii) of this section, or, if the Notification of Compliance Status has already been submitted, in the Periodic Report immediately preceding implementation of the requirements of paragraph (h)(1) of this section, as specified in paragraph (e)(6)(ix) of this section.

* * * * *

(ii) * * *

(B) The running average is based on at least six one-hour average values; and

* * * * *

(iv) The monitoring system will alert the owner or operator by an alarm or other means, if the running average parameter value calculated under paragraph (h)(1)(ii) of this section reaches a set point that is appropriately related to the established limit for the parameter that is being monitored.

* * * * *

(vi) The owner or operator shall retain the records identified in paragraphs (h)(1)(vi)(A) through (h)(1)(vi)(D) of this section.

* * * * *

(B) A description of the applicable monitoring system(s), and how compliance will be achieved with each requirement of paragraphs (h)(1)(i) through (h)(1)(v) of this section. The description shall identify the location and format (e.g., on-line storage, log entries) for each required record. If the description changes, the owner or operator shall retain both the current and the most recent superseded description. The description, and the most recent superseded description, shall be retained as provided in paragraph (a) of this section, except as provided in paragraph (h)(1)(vi)(D) of this section.

(C) A description, and the date, of any change to the monitoring system that would reasonably be expected to impair its ability to comply with the requirements of paragraph (h)(1) of this section.

(D) Owners and operators subject to paragraph (h)(1)(vi)(B) of this section shall retain the current description of the monitoring system as long as the description is current. The current description shall, at all times, be retained on-site or be accessible from a central location by computer or other means that provides access within 2 hours after a request. The owner or operator shall retain all superseded descriptions for at least 5 years after the date of their creation. Superseded descriptions shall be retained on-site (or accessible from a central location by computer or other means that provides access within 2 hours after a request) for at least 6 months after their creation. Thereafter, superseded descriptions may be stored off-site.

(2) * * *

(i) If the owner or operator elects not to retain the daily average or batch cycle daily average values, the owner or operator shall notify the Administrator in the next Periodic Report as specified in paragraph (e)(6)(x) of this section. The notification shall identify the parameter and unit of equipment.

* * * * *

(iii) The owner or operator shall retain the records specified in paragraphs (h)(1)(i) through(h)(1)(iii) of this section, for the duration specified in paragraph (h) of this section. For any calendar week, if compliance with paragraphs (h)(1)(i) through (h)(1)(iii) of this section does not result in retention of a record of at least one occurrence or measured parameter value, the owner or operator shall record and retain at least one parameter value during a period of operation other than a start-up, shutdown, or malfunction.

(iv) * * *

(A) The daily average or batch cycle daily average value during any start-up, shutdown, or malfunction shall not be considered an excursion for purposes of paragraph (h)(2) of this section, if the owner or operator follows the applicable provisions of the start-up, shutdown, and malfunction plan required by § 63.6(e)(3).

* * * * *

28. Revise Tables 1, 2, 5, 6, 7, and 8, and add Table 9 to Subpart U of part 63, to read as follows:

TABLE 1 TO SUBPART U OF PART 63.—APPLICABILITY OF GENERAL PROVISIONS TO SUBPART U AFFECTED SOURCES

Reference	Applies to subpart U	Comment
63.1(a)(1)	Yes	§ 63.482 specifies definitions in addition to or that supersede definitions in § 63.2.
63.1(a)(2)	Yes.	
63.1(a)(3)	Yes	§ 63.481(f) through (k) and § 63.160(b) identify those standards which may apply in addition to the requirements of subparts U and H of this part, and specify how compliance shall be achieved.
63.1(a)(4)	Yes	Subpart U (this table) specifies the applicability of each paragraph in subpart A to subpart U.
63.1(a)(5)	No	[Reserved.]
63.1(a)(6)–63.1(a)(8)	Yes.	
63.1(a)(9)	No	[Reserved.]
63.1(a)(10)	Yes.	
63.1(a)(11)	Yes.	
63.1(a)(12)–63.1(a)(14)	Yes.	
63.1(b)(1)	No	§ 63.480(a) contains specific applicability criteria.
63.1(b)(2)	Yes.	
63.1(b)(3)	No	§ 63.480(b) provides documentation requirements for EPPUs not considered affected sources.
63.1(c)(1)	Yes	Subpart U (this table) specifies the applicability of each paragraph in subpart A to subpart U.
63.1(c)(2)	No	Area sources are not subject to subpart U.
63.1(c)(3)	No	[Reserved.]
63.1(c)(4)	Yes.	
63.1(c)(5)	Yes	Except that affected sources are not required to submit notifications that are not required by this subpart U.
63.1(d)	No	[Reserved.]
63.1(e)	Yes.	
63.2	Yes	§ 63.482 specifies those subpart A definitions that apply to subpart U.
63.3	Yes.	
63.4(a)(1)–63.4(a)(3)	Yes.	
63.4(a)(4)	No	[Reserved.]
63.4(a)(5)	Yes.	
63.4(b)	Yes.	
63.4(c)	Yes.	
63.5(a)(1)	Yes	Except the terms ''source'' and ''stationary source'' should be interpreted as having the same meaning as ''affected source''.
63.5(a)(2)	Yes.	
63.5(b)(1)	Yes	Except § 63.480(i) defines when construction or reconstruction is subject to new source standards.
63.5(b)(2)	No	[Reserved.]

TABLE 1 TO SUBPART U OF PART 63.—APPLICABILITY OF GENERAL PROVISIONS TO SUBPART U AFFECTED SOURCES—Continued

Reference	Applies to subpart U	Comment
63.5(b)(3)	Yes.	
63.5(b)(4)	Yes	Except that the Initial Notification and § 63.9(b) requirements do not apply.
63.5(b)(5)	Yes.	
63.5(b)(6)	Yes	Except that § 63.480(i) defines when construction or reconstruction is subject to the new source standards.
63.5(c)	No	[Reserved.]
63.5(d)(1)(i)	Yes	Except that the references to the Initial Notification and § 63.9(b)(5) do not apply.
63.5(d)(1)(ii)	Yes	Except that § 63.5(d)(1)(ii)(H) does not apply.
63.5(d)(1)(iii)	No	§ 63.506(e)(5) and § 63.502(f) specify Notification of Compliance Status requirements.
63.5(d)(2)	No.	
63.5(d)(3)	Yes	Except § 63.5(d)(3)(ii) does not apply, and equipment leaks subject to § 63.502 are exempt.
63.5(d)(4)	Yes.	
63.5(e)	Yes.	
63.5(f)(1)	Yes.	
63.5(f)(2)	Yes	Except that where § 63.9(b)(2) is referred to, the owner or operator need not comply.
63.6(a)	Yes.	
63.6(b)(1)	Yes.	
63.6(b)(2)	Yes.	
63.6(b)(3)	Yes.	
63.6(b)(4)	Yes.	
63.6(b)(5)	Yes.	
63.6(b)(6)	No	[Reserved.]
63.6(b)(7)	No.	
63.6(c)(1)	Yes	§ 63.481 specifies the compliance date.
63.6(c)(2)	No.	
63.6(c)(3)	No	[Reserved.]
63.6(c)(4)	No	[Reserved.]
63.6(c)(5)	Yes.	
63.6(d)	No	[Reserved.]
63.6(e)	Yes	Except as otherwise specified for individual paragraphs (below), and § 63.6(e) does not apply to Group 2 emission points, unless they are included in an emissions average.[a]
63.6(e)(1)(i)	No	This is addressed by § 63.480(j)(4).
63.6(e)(1)(ii)	Yes.	
63.6(e)(1)(iii)	Yes.	
63.6(e)(2)	Yes.	
63.6(e)(3)(i)	Yes	For equipment leaks (subject to § 63.502), the start-up, shutdown, and malfunction plan requirement of § 63.6(e)(3)(i) is limited to control devices and is optional for other equipment. The start-up, shutdown, and malfunction plan may include written procedures that identify conditions that justify a delay of repair.
63.6(e)(3)(i)(A)	No	This is addressed by § 63.480(j)(4).
63.6(e)(3)(i)(B)	Yes.	
63.6(e)(3)(i)(C)	Yes.	
63.6(e)(3)(ii)	Yes.	
63.6(e)(3)(iii)	No	Recordkeeping and reporting are specified in § 63.506(b)(1).
63.6(e)(3)(iv)	No	Recordkeeping and reporting are specified in § 63.506(b)(1).
63.6(e)(3)(v)	Yes.	
63.6(e)(3)(vi)	Yes.	
63.6(e)(3)(vii)	Yes.	
63.6(e)(3)(vii)(A)	Yes.	
63.6(e)(3)(vii)(B)	Yes	Except the plan shall provide for operation in compliance with § 63.480(j)(4).
63.6(e)(3)(vii)(C)	Yes.	
63.6(e)(3)(viii)	Yes.	
63.6(f)(1)	Yes.	
63.6(f)(2)	Yes	Except 63.7(c), as referred to in § 63.6(f)(2)(iii)(D) does not apply, and except that § 63.6(f)(2)(ii) does not apply to equipment leaks subject to § 63.502.
63.6(f)(3)	Yes.	
63.6(g)	Yes.	
63.6(h)	No	Subpart U does not require opacity and visible emission standards.
63.6(i)(1)	Yes.	
63.6(i)(2)	Yes.	
63.6(i)(3)	Yes.	
63.6(i)(4)(i)(A)	Yes.	
63.6(i)(4)(i)(B)	No	Dates are specified in § 63.481(e) and § 63.506(e)(3)(i).
63.6(i)(4)(ii)	No.	
63.6(i)(5)–(14)	Yes.	
63.6(i)(15)	No	[Reserved.]

TABLE 1 TO SUBPART U OF PART 63.—APPLICABILITY OF GENERAL PROVISIONS TO SUBPART U AFFECTED SOURCES—Continued

Reference	Applies to subpart U	Comment
63.6(i)(16)	Yes.	
63.6(j)	Yes.	
63.7(a)(1)	Yes.	
63.7(a)(2)	No	§ 63.506(e)(5) specifies the submittal dates of performance test results for all emission points except equipment leaks; for equipment leaks, compliance demonstration results are reported in the Periodic Reports.
63.7(a)(3)	Yes.	
63.7(b)	No	§ 63.504(a)(4) specifies notification requirements.
63.7(c)	No	Except if the owner or operator chooses to submit an alternative nonopacity emission standard for approval under § 63.6(g).
63.7(d)	Yes.	
63.7(e)(1)	Yes	Except that all performance tests shall be conducted at maximum representative operating conditions achievable at the time without disruption of operations or damage to equipment.
63.7(e)(2)	Yes.	
63.7(e)(3)	No	Subpart U specifies requirements.
63.7(e)(4)	Yes.	
63.7(f)	Yes	Except that § 63.144(b)(5)(iii)(A) & (B) shall apply for process wastewater. Also, since a site specific test plan is not required, the notification deadline in § 63.7(f)(2)(i) shall be 60 days prior to the performance test, and in § 63.7(f)(3) approval or disapproval of the alternative test method shall not be tied to the site specific test plan.
63.7(g)	Yes	Except that the requirements in § 63.506(e)(5) apply instead of references to the Notification of Compliance Status report in 63.9(h). In addition, equipment leaks subject to § 63.502 are not required to conduct performance tests.
63.7(h)	Yes	Except § 63.7(h)(4)(ii) is not applicable, since the site-specific test plans in § 63.7(c)(2) are not required.
63.8(a)(1)	Yes.	
63.8(a)(2)	No.	
63.8(a)(3)	No	[Reserved.]
63.8(a)(4)	Yes.	
63.8(b)(1)	Yes.	
63.8(b)(2)	No	Subpart U specifies locations to conduct monitoring.
63.8(b)(3)	Yes.	
63.8(c)(1)	Yes.	
63.8(c)(1)(i)	Yes.	
63.8(c)(1)(ii)	No	For all emission points except equipment leaks, comply with § 63.506(b)(1)(i)(B); for equipment leaks, comply with § 63.181(g)(2)(iii).
63.8(c)(1)(iii)	Yes.	
63.8(c)(2)	Yes.	
63.8(c)(3)	Yes.	
63.8(c)(4)	No	§ 63.505 specifies monitoring frequency; not applicable to equipment leaks, because § 63.502 does not require continuous monitoring systems.
63.8(c)(5)–63.8(c)(8)	No.	
63.8(d)	No.	
63.8(e)	No.	
63.8(f)(1)–63.8(f)(3)	Yes.	
63.8(f)(4)(i)	No	Timeframe for submitting request is specified in § 63.506(f) or (g); not applicable to equipment leaks, because § 63.502 (through reference to subpart H) specifies acceptable alternative methods.
63.8(f)(4)(ii)	No	Contents of request are specified in § 63.506(f) or (g).
63.8(f)(4)(iii)	No.	
63.8(f)(5)(i)	Yes.	
63.8(f)(5)(ii)	No.	
63.8(f)(5)(iii)	Yes.	
63.8(f)(6)	No	Subpart U does not require CEM's.
63.8(g)	No	Data reduction procedures specified in § 63.506(d) and (h); not applicable to equipment leaks.
63.9(a)	Yes.	
63.9(b)	No	Subpart U does not require an initial notification.
63.9(c)	Yes.	
63.9(d)	Yes.	
63.9(e)	No	§ 63.504(a)(4) specifies notification deadline.
63.9(f)	No	Subpart U does not require opacity and visible emission standards.
63.9(g)	No.	
63.9(h)	No	§ 63.506(e)(5) specifies Notification of Compliance Status requirements.
63.9(i)	Yes.	
63.9(j)	No.	
63.10(a)	Yes.	
63.10(b)(1)	No	§ 63.506(a) specifies record retention requirements.

TABLE 1 TO SUBPART U OF PART 63.—APPLICABILITY OF GENERAL PROVISIONS TO SUBPART U AFFECTED SOURCES—Continued

Reference	Applies to subpart U	Comment
63.10(b)(2)	No	Subpart U specifies recordkeeping requirements.
63.10(b)(3)	No	§ 63.480(b) requires documentation of sources that are not affected sources.
63.10(c)	No	§ 63.506 specifies recordkeeping requirements.
63.10(d)(1)	Yes.	
63.10(d)(2)	No	§ 63.506(e)(5) specifies performance test reporting requirements; not applicable to equipment leaks.
63.10(d)(3)	No	Subpart U does not require opacity and visible emission standards.
63.10(d)(4)	Yes.	
63.10(d)(5)	Yes	Except that reports required by § 63.10(d)(5)(i) and/or § 63.10(d)(5)(ii) shall be submitted at the same time as Periodic Reports specified in § 63.506(e)(6). The start-up, shutdown, and malfunction plan, and any records or reports of start-up, shutdown, and malfunction do not apply to Group 2 emission points unless they are included in an emissions average.
63.10(e)	No	§ 63.506 specifies reporting requirements.
63.10(f)	Yes.	
63.11	Yes	Except that instead of § 63.11(b), § 63.504(c) shall apply.
63.12	Yes	Except that the authority of § 63.503(i) and the authority of § 63.177 (for equipment leaks) will not be delegated to States.
63.13–63.15	Yes.	

[a] The plan, and any records or reports of start-up, shutdown, and malfunction do not apply to Group 2 emission points unless they are included in an emissions average.

TABLE 2 TO SUBPART U OF PART 63.—APPLICABILITY OF SUBPARTS F, G, & H OF THIS PART TO SUBPART U AFFECTED SOURCES

Reference	Applies to subpart U	Comment	Applicable section of subpart U
Subpart F			
63.100	No.		
63.101	Yes	Several definitions from 63.101 are incorporated by reference into 63.482.	63.482.
63.102–63.103	No.		
63.104–63.105	Yes		63.501 and 63.502.
63.106–63.109	No.		
Subpart G			
63.110	No.		
63.111	Yes	Several definitions from 63.111 are incorporated by reference into 63.482.	63.482.
63.112	No.		
63.113–63.118	Yes	With the differences noted in 63.485(b) through 63.485(k)	63.485.
63.119–63.123	Yes	With the differences noted in 63.484(c) through 63.484(s)	63.484.
63.124–63.125	No	[Reserved.].	
63.126–63.130	No.		
63.131–63.147	Yes	With the differences noted in 63.501(a)(1) through 63.501(a)(19).	63.501.
63.148–63.149	Yes	With the differences noted in 63.484(c) through 63.484(s) and 63.501(a)(1) through 63.501(a)(23).	63.484 and 63.501.
63.150(a) through 63.150(f)	No.		
63.150(g)(1) and 63.150(g)(2)	No.		
63.150(g)(3)	Yes		63.503(g)(3).
63.150(g)(4)	No.		
63.150(g)(5)	Yes		63.503(g)(5).
63.150(h)(1) and 63.150(h)(2)	No.		
63.150(h)(3)	Yes		63.503(h)(3).
63.150(h)(4)	No.		
63.150(h)(5)	Yes		63.503(h)(5).
63.150(i) through 63.150(o)	No.		
63.151–63.152	No.		
Subpart H			
63.160–63.183	Yes	Subpart U affected sources shall comply with all requirements of subpart H of this part, with the differences noted in § 63.502.	63.502.

* * * * *

TABLE 5 TO SUBPART U OF PART 63.—KNOWN ORGANIC HAP EMITTED FROM THE PRODUCTION OF ELASTOMER PRODUCTS

Organic HAP/chemical name (CAS No.)	Elastomer product/subcategory											
	BR	EPI	EPR	HBR	HYP	NEO	NBL	NBR	PBR/ SBRS	PSR	SBL	SBRE
Acrylonitrile (107131)							✔	✔				
1,3 Butadiene (106990)							✔	✔	✔		✔	✔
Carbon Tetrachloride (56235)					✔							
Chlorobenzene (108907)					✔							
Chloroform (67663)					✔							
Chloroprene (126998)						✔						
Epichlorohydrin (106898)		✔										
Ethylbenzene (100414)	✔										✔	
Ethylene Dichloride (107062)										✔		
Ethylene Oxide (75218)		✔								✔		
Formaldehyde (50000)										✔		
Hexane (110543)	✔		✔						✔		✔	✔
Methanol (67561)	✔								✔			
Methyl Chloride (74873)	✔				✔							
Propylene Oxide (75569)		✔										
Styrene (100425)									✔		✔	✔
Toluene (108883)		✔	✔			✔			✔		✔	✔
Xylenes (1330207)	✔										✔	
Xylene (m-) (108383)	✔										✔	
Xylene (o-) (95476)	✔										✔	
Xylene (p-) (106423)	✔										✔	

CAS No. = Chemical Abstract Service Number.
BR = Butyl Rubber.
EPI = Epichlorohydrin Rubber.
EPR = Ethylene Propylene Rubber.
HBR = Halobutyl Rubber.
HYP = Hypalon™.
NEO = Neoprene.
NBL = Nitrile Butadiene Latex.
NBR = Nitrile Butadiene Rubber.
PBR/SBRS = Polybutadiene and Styrene Butadiene Rubber by Solution.
PSR = Polysulfide Rubber.
SBL = Styrene Butadiene Latex.
SBR = Styrene Butadiene Rubber by Emulsion or Solution.

TABLE 6 TO SUBPART U OF PART 63.—GROUP 1 BATCH FRONT-END PROCESS VENTS AND AGGREGATE BATCH VENT STREAMS—MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS

Control/recovery device	Parameter to be monitored	Recordkeeping and reporting requirements for monitored parameters
Thermal Incinerator	Firebox temperature [a]	1. Continuous records as specified in § 63.491(e)(1).[b] 2. Record and report the average firebox temperature measured during the performance test—NCS.[c] 3. Record the batch cycle daily average firebox temperature as specified in § 63.491(e)(2). 4. Report all batch cycle daily average temperatures that are below the minimum operating value established in the NCS or operating permit and all instances when monitoring data are not collected—PR.[d e]
Catalytic Incinerator	Temperature upstream and downstream of the catalyst bed. Temperature upstream and downstream of the catalyst bed.	1. Continuous records as specified in § 63.491(e)(1).[b] 2. Record and report the average upstream and downstream temperatures and the average temperature difference across the catalyst bed measured during the performance test—NCS.[c] 3. Record the batch cycle daily average upstream temperature and temperature difference across catalyst bed as specified in § 63.491(e)(2). 4. Report all batch cycle daily average upstream temperatures that are below the minimum upstream value established in the NCS or operating permit—PR.[d e] 5. Report all batch cycle daily average temperature differences across the catalyst bed that are below the minimum difference.

TABLE 6 TO SUBPART U OF PART 63.—GROUP 1 BATCH FRONT-END PROCESS VENTS AND AGGREGATE BATCH VENT STREAMS—MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS—Continued

Control/recovery device	Parameter to be monitored	Recordkeeping and reporting requirements for monitored parameters
Boiler or Process Heater with a design heat input capacity less than 44 megawatts and where the batch front-end process vents or aggregate batch vent streams are not introduced with or used as the primary fuel.	Firebox temperature [a]	1. Continuous records as specified in § 63.491(e)(1).[b] 2. Record and report the average firebox temperature measured during the performance test—NCS.[c] 3. Record the batch cycle daily average firebox temperature as specified in § 63.491(e)(2).[d] 4. Report all batch cycle daily average temperatures that are below the minimum operating value established in the NCS or operating permit and all instances when monitoring data are not collected—PR.[d e]
Flare	Presence of a flame at the pilot light.	1. Hourly records of whether the monitor was continuously operating during batch emission episodes selected for control and whether a flame was continuously present at the pilot light during each hour. 2. Record and report the presence of a flame at the pilot light over the full period of the compliance determination—NCS.[c] 3. Record the times and durations of all periods during batch emission episodes when all flames at the pilot light of a flare are absent or the monitor is not operating. 4. Report the times and durations of all periods during batch emission episodes selected for control when all flames at the pilot light of a flare are absent—PR.[d]
Scrubber for halogenated batch front-end process vents or aggregate batch vent streams. (Note: Controlled by a combustion device other than a flare).	pH of scrubber effluent, and	1. Continuous records as specified in § 63.491(e)(1).[b] 2. Record and report the average pH of the scrubber effluent measured during the performance test—NCS.[c] 3. Record the batch cycle daily average pH of the scrubber effluent as specified in § 63.491(e)(2). 4. Report all batch cycle daily average pH values of the scrubber effluent that are below the minimum operating value established in the NCS or operating permit and all instances when insufficient monitoring data are collected—PR.[d e]
Scrubber for halogenated batch front-end process vents or aggregate batch vent streams (Note: Controlled by a combustion device other than a flare) (Continued)	Scrubber liquid and gas flow rates [§ 63.489(b)(4)(ii)].	1. Records as specified in § 63.491(e)(1).[b] 2. Record and report the scrubber liquid/gas ratio averaged over the full period of the performance test—NCS.[c] 3. Record the batch cycle daily average scrubber liquid/gas ratio as specified in § 63.491(e)(2). 4. Report all batch cycle daily average scrubber liquid/gas ratios that are below the minimum value established in the NCS or operating permit and all instances when insufficient monitoring data are collected—PR.[d e]
Absorber [f]	Exit temperature of the absorbing liquid, and	1. Continuous records as specified in § 63.491(e)(1).[b] 2. Record and report the average exit temperature of the absorbing liquid measured during the performance test—NCS.[c] 3. Record the batch cycle daily average exit temperature of the absorbing liquid as specified in § 63.491(e)(2) for each batch cycle. 4. Report all the batch cycle daily average exit temperatures of the absorbing liquid that are below the minimum operating temperature established in the NCS or operating permit and all instances when monitoring data are not collected—PR.[d e]
	Exit specific gravity of the absorbing liquid	1. Continuous records as specified in § 63.491(e)(1).[b] 2. Record and report the average exit specific gravity measured during the performance test—NCS. 3. Record the batch cycle daily average exit specific gravity as specified in § 63.491(e)(2).

TABLE 6 TO SUBPART U OF PART 63.—GROUP 1 BATCH FRONT-END PROCESS VENTS AND AGGREGATE BATCH VENT STREAMS—MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS—Continued

Control/recovery device	Parameter to be monitored	Recordkeeping and reporting requirements for monitored parameters
		4. Report all batch cycle daily average exit specific gravity values that are below the minimum operating value established in the NCS or operating permit and all instances when monitoring data are not collected—PR.[d e]
Condenser[f]	Exit (product side) temperature	1. Continuous records as specified in § 63.491(e)(1).[b]
		2. Record and report the average exit temperature measured during the performance test—NCS.
		3. Record the batch cycle daily average exit temperature as specified in § 63.491(e)(2).
		4. Report all batch cycle daily average exit temperatures that are above the maximum operating value established in the NCS or operating permit and all instances when monitoring data are not collected—PR.[d e]
Carbon Adsorber[f]	Total regeneration steam flow or nitrogen flow, or pressure (gauge or absolute) during carbon bed regeneration cycle(s), and.	1. Record of total regeneration steam flow or nitrogen flow, or pressure for each carbon bed regeneration cycle.
		2. Record and report the total regeneration steam flow or nitrogen flow, or pressure during each carbon bed regeneration cycle during the performance test—NCS[c].
		3. Report all carbon bed regeneration cycles when the total regeneration steam flow or nitrogen flow, or pressure is above the maximum value established in the NCS or operating permit—PR[d e].
	Temperature of the carbon bed after regeneration and within 15 minutes of completing any cooling cycle(s).	1. Record the temperature of the carbon bed after each regeneration and within 15 minutes of completing any cooling cycle(s).
		2. Record and report the temperature of the carbon bed after each regeneration and within 15 minutes of completing any cooling cycle(s) measured during the performance test—NCS[c].
		3. Report all carbon bed regeneration cycles when the temperature of the carbon bed after regeneration, or within 15 minutes of completing any cooling cycle(s), is above the maximum value established in the NCS or operating permit—PR[d e].
All Control Devices	Diversion to the atmosphere from the control device *or*.	1. Hourly records of whether the flow indicator was operating during batch emission episodes selected for control and whether a diversion was detected at any time during the hour, as specified in § 63.491(e)(3).
		2. Record and report the times of all periods during batch emission episodes selected for control when emissions are diverted through a bypass line, or the flow indicator is not operating—PR[d].
	Monthly inspections of sealed valves.	1. Records that monthly inspections were performed as specified in § 63.491(e)(4)(i).
		2. Record and report all monthly inspections that show that valves are in the diverting position or that a seal has been broken—PR[d].
Absorber, Condenser, and Carbon Adsorber (as an alternative to the above).	Concentration level or reading indicated by an organic monitoring device at the outlet of the recovery device.	1. Continuous records as specified in § 63.491(e)(1).[b]
		2. Record and report the average batch vent concentration level or reading measured during the performance test—NCS.
		3. Record the batch cycle daily average concentration level or reading as specified in § 63.491(e)(2).
		4. Report all batch cycle daily average concentration levels or readings that are above the maximum values established in the NCS or operating permit and all instances when monitoring data are not collected—PR.[d e a]

[a] Monitor may be installed in the firebox or in the duct work immediately downstream of the firebox before any substantial heat exchange is encountered.

[b] "Continuous records" is defined in § 63.111.

[c] NCS = Notification of Compliance Status described in § 63.506(e)(5).

[d] PR = Periodic Reports described in § 63.506(e)(6) of this subpart.

[e] The periodic reports shall include the duration of periods when monitoring data are not collected as specified in § 63.506(e)(6)(iii)(C) of this subpart.

[f] Alternatively, these devices may comply with the organic monitoring device provisions listed at the end of this table.

TABLE 7 TO SUBPART U OF PART 63.—OPERATING PARAMETERS FOR WHICH MONITORING LEVELS ARE REQUIRED TO BE ESTABLISHED FOR CONTINUOUS AND BATCH FRONT-END PROCESS VENTS AND AGGREGATE BATCH VENT STREAMS

Control/recovery device	Parameters to be monitored	Established operating parameter(s)
Thermal incinerator	Firebox temperature	Minimum temperature.
Catalytic incinerator	Temperature upstream and downstream of the catalyst bed	Minimum upstream temperature; and minimum temperature difference across the catalyst bed.
Boiler or process heater	Firebox temperature	Minimum temperature.
Scrubber for halogenated vents	pH of scrubber effluent; and scrubber liquid and gas flow rates [§ 63.489(b)(4)(ii)].	Minimum pH; and minimum liquid/gas ratio.
Absorber	Exit temperature of the absorbing liquid; and exit specific gravity of the absorbing liquid.	Maximum temperature; and maximum specific gravity.
Condenser	Exit temperature	Maximum temperature.
Carbon adsorber	Total regeneration steam flow or nitrogen flow, or pressure (gauge or absolute) [a] during carbon bed regeneration cycle; and temperature of the carbon bed after regeneration (and within 15 minutes of completing any cooling cycle(s)).	Maximum flow or pressure; and maximum temperature.
Other devices (or as an alternate to the above) [b].	HAP concentration level or reading at outlet of device	Maximum HAP concentration or reading.

[a] 25 to 50 mm (absolute) is a common pressure level obtained by pressure swing absorbers.
[b] Concentration is measured instead of an operating parameter.

TABLE 8 TO SUBPART U OF PART 63.—SUMMARY OF COMPLIANCE ALTERNATIVE REQUIREMENTS FOR THE BACK-END PROCESS PROVISIONS

Compliance alternative	Parameter to be monitored	Requirements
Compliance Using Stripping Technology, Demonstrated through Periodic Sampling [§ 63.495(b)].	Residual organic HAP content in each sample of crumb or latex.	(1) If a stripper operated in batch mode is used, at least one representative sample is to be taken from every batch. (2) If a stripper operated in continuous mode is used, at least one representative sample is to be taken each operating day.
	Quantity of Material (weight of latex or dry crumb rubber) represented by each sample.	(1) Acceptable methods of determining this quantity are production records, measurement of stream characteristics, and engineering calculations.
Compliance Using Stripping Technology, Demonstrated through Stripper Parameter Monitoring [§ 63.495(c)].	At a minimum, temperature, pressure, steaming rates (for steam strippers), and some parameter that is indicative of residence time.	(1) Establish stripper operating parameter levels for each grade in accordance with § 63.505(e). (2) Continuously monitor stripper operating parameters. (3) If hourly average parameters are outside of the established operating parameter levels, a crumb or latex sample shall be taken in accordance with § 63.495(c)(3)(ii).
Determining Compliance Using Control or Recovery Devices [§ 63.496].	Parameters to be monitored are described in Table 3 of subpart G of this part.	Comply with requirements listed in Table 3 of subpart G of this part, except for the requirements for halogenated vent stream scrubbers.

TABLE 9 TO SUBPART U OF PART 63.—ROUTINE REPORTS REQUIRED BY THIS SUBPART

Reference	Description of report	Due date
§ 63.506(b) and Subpart A	Refer to § 63.506(b), Table 1 of this subpart, and to subpart A.	Refer to subpart A.
§ 63.506(e)(3)	Precompliance Report [a]	Existing affected sources: 12 months prior to compliance date. New affected sources: with the application for approval of construction or reconstruction.
§ 63.506(e)(4)	Emissions Averaging Plan	18 months prior to the compliance date.
§ 63.506(e)(4)(iv)	Updates to Emissions Averaging Plan	120 days prior to making the change necessitating the update.
§ 63.506(e)(5)	Notification of Compliance Status [b]	Within 150 days after the compliance date.
§ 63.506(e)(6)	Periodic Reports	Semiannually, no later than 60 days after the end of each 6-month period. See § 63.506(e)(6)(i) for the due date for this report.
§ 63.506(e)(6)(xi)	Quarterly reports for Emissions Averaging	No later than 60 days after the end of each quarter. First report is due with the Notification of Compliance Status.
§ 63.506(e)(6)(xii)	Quarterly reports upon request of the Administrator	No later than 60 days after the end of each quarter.

TABLE 9 TO SUBPART U OF PART 63.—ROUTINE REPORTS REQUIRED BY THIS SUBPART—Continued

Reference	Description of report	Due date
§ 63.506(e)(7)(i)	Storage Vessels Notification of Inspection	At least 30 days prior to the refilling of each storage vessel or the inspection of each storage vessel.
§ 63.506(e)(7)(ii)	Requests for Approval of a Nominal Control Efficiency for Use in Emissions Averaging.	Initial submittal is due with the Emissions Averaging Plan; later submittals are made at the discretion of the owner or operator as specified in § 63.506(e)(7)(ii)(B).
§ 63.506(e)(7)(iii)	Notification of Change in the Primary Product	For notification under § 63.480(f)(3)(ii)—notification submittal date at the discretion of the owner or operator.[c] For notification under § 63.480(f)(4)(ii)—within 6 months of making the determination.

[a] There may be two versions of this report due at different times; one for equipment subject to § 63.502 and one for other emission points subject to this subpart.
[b] There will be two versions of this report due at different times; one for equipment subject to § 63.502 and one for other emission points subject to this subpart.
[c] Note that the EPPU remains subject to this subpart until the notification under § 63.480(f)(3)(i) is made.

Subpart JJJ—National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins

29. Section 63.1310 is amended by:

a. Revising paragraphs (a), (b), (c), (e), (f), (g) introductory text, (g)(1) through (g)(4), (g)(6), (g)(7), (g)(8), (h), (i) introductory text, (i)(1) introductory text, (i)(1)(i), (i)(1)(ii), (i)(2)(i) introductory text, (i)(2)(i)(A), (i)(2)(ii), (i)(3), (i)(4), (i)(5), and (j);

b. Removing paragraph (i)(2)(iii); and

c. Adding paragraph (i)(6), to read as follows:

§ 63.1310 Applicability and designation of affected sources.

(a) *Definition of affected source.* The provisions of this subpart apply to each affected source. Affected sources are described in paragraphs (a)(1) through (a)(4) of this section.

(1) An affected source is either an existing affected source or a new affected source. Existing affected source is defined in paragraph (a)(2) of this section, and new affected source is defined in paragraph (a)(3) of this section.

(2) An existing affected source is defined as each group of one or more thermoplastic product process units (TPPU) and associated equipment, as listed in paragraph (a)(4) of this section that is not part of a new affected source, as defined in paragraph (a)(3) of this section, that is manufacturing the same primary product, and that is located at a plant site that is a major source.

(3) A new affected source is defined as something that meets the criteria of paragraph (a)(3)(i), (a)(3)(ii), or (a)(3)(iii) of this section. The situation described in paragraph (a)(3)(i) of this section is distinct from those situations described in paragraphs (a)(3)(ii) and (a)(3)(iii) of this section and from any situation described in paragraph (i) of this section.

(i) At a site without HAP emission points before March 29, 1995 (i.e., a ''greenfield'' site), each group of one or more TPPU and associated equipment, as listed in paragraph (a)(4) of this section, that is manufacturing the same primary product and that is part of a major source on which construction commenced after March 29, 1995;

(ii) A group of one or more TPPU meeting the criteria in paragraph (i)(1)(i) of this section; or

(iii) A reconstructed affected source meeting the criteria in paragraph (i)(2)(i) of this section.

(4) *Emission points and equipment.* The affected source also includes the emission points and equipment specified in paragraphs (a)(4)(i) through (a)(4)(vi) of this section that are associated with each applicable group of one or more TPPU constituting an affected source.

(i) Each waste management unit.

(ii) Maintenance wastewater.

(iii) Each heat exchange system.

(iv) Each process contact cooling tower used in the manufacture of PET that is associated with a new affected source.

(v) Each process contact cooling tower used in the manufacture of PET using a continuous terephthalic acid high viscosity multiple end finisher process that is associated with an existing affected source.

(vi) Equipment required by, or utilized as a method of compliance with, this subpart which may include control devices and recovery devices.

(5) TPPUs and associated equipment, as listed in paragraph (a)(4) of this section, that are located at plant sites that are not major sources are neither affected sources nor part of an affected source.

(b) *TPPUs without organic HAP.* The owner or operator of a TPPU that is part of an affected source, as defined in paragraph (a) of this section, but that does not use or manufacture any organic HAP shall comply with the requirements of either paragraph (b)(1) or (b)(2) of this section. Such a TPPU is not subject to any other provisions of this subpart and is not required to comply with the provisions of subpart A of this part.

(1) Retain information, data, and analyses used to document the basis for the determination that the TPPU does not use or manufacture any organic HAP. Types of information that could document this determination include, but are not limited to, records of chemicals purchased for the process, analyses of process stream composition, engineering calculations, or process knowledge.

(2) When requested by the Administrator, demonstrate that the TPPU does not use or manufacture any organic HAP.

(c) *Emission points not subject to the provisions of this subpart.* The affected source includes the emission points listed in paragraphs (c)(1) through (c)(9) of this section, but these emission points are not subject to the requirements of this subpart or to the provisions of subpart A of this part.

(1) Equipment that does not contain organic HAP and is located within a TPPU that is part of an affected source;

(2) Stormwater from segregated sewers;

(3) Water from fire-fighting and deluge systems in segregated sewers;

(4) Spills;

(5) Water from safety showers;

(6) Water from testing of deluge systems;

(7) Water from testing of firefighting systems;

(8) Vessels and equipment storing and/or handling material that contain no organic HAP and/or organic HAP as impurities only; and

(9) Equipment that is intended to operate in organic HAP service for less than 300 hours during the calendar year.

* * * * *

(e) *Applicability determination of nonthermoplastic equipment included within the boundaries of a TPPU.* If a polymer that is not subject to this subpart is produced within the equipment (i.e., collocated) making up a TPPU and at least 50 percent of said polymer is used in the production of a thermoplastic product manufactured by said TPPU, the unit operations involved in the production of said polymer are considered part of the TPPU and are subject to this subpart except as specified in this paragraph (e). Any emission points that are subject to another subpart of this part and that are from said unit operations shall remain subject to that other subpart of this part and are not subject to this subpart. All emission points from those unit operations that are not subject to another subpart of this part shall be subject to this subpart.

(f) *Primary product determination and applicability.* An owner or operator of a process unit that produces or plans to produce a thermoplastic product shall determine if the process unit is subject to this subpart in accordance with this paragraph. The owner or operator shall initially determine whether a process unit is designated as a TPPU and subject to the provisions of this subpart in accordance with either paragraph (f)(1) or (f)(2) of this section. The owner or operator of a flexible operation unit that was not initially designated as a TPPU, but in which a thermoplastic product is produced, shall conduct an annual re-determination of the applicability of this subpart in accordance with paragraph (f)(3) of this section. Owners or operators that anticipate the production of a thermoplastic product in a process unit that was not initially designated as a TPPU, and in which no thermoplastic products are currently produced, shall determine if the process unit is subject to this subpart in accordance with paragraph (f)(4) of this section. Paragraphs (f)(3) and (f)(5) through (f)(7) of this section discuss compliance only for flexible operation units. Other paragraphs apply to all process units, including flexible operation units, unless otherwise noted. Paragraph (f)(8) of this section contains reporting requirements associated with the applicability determinations. Paragraphs (f)(9) and (f)(10) of this section describe criteria for removing the TPPU designation from a process unit.

(1) *Initial Determination.* The owner or operator shall initially determine if a process unit is subject to the provisions of this subpart based on the primary product of the process unit in accordance with paragraphs (f)(1)(i) through (iii) of this section. If the process unit never uses or manufactures any organic HAP, regardless of the outcome of the primary product determination, the only requirements of this subpart that might apply to the process unit are contained in paragraph (b) of this section. If a flexible operation unit does not use or manufacture any organic HAP during the manufacture of one or more products, paragraph (f)(5)(i) of this section applies to that flexible operation unit.

(i) If a process unit only manufactures one product, then that product shall represent the primary product of the process unit.

(ii) If a process unit produces more than one intended product at the same time, the primary product shall be determined in accordance with paragraph (f)(1)(ii)(A) or (B) of this section.

(A) The product for which the process unit has the greatest annual design capacity on a mass basis shall represent the primary product of the process unit, or

(B) If a process unit has the same maximum annual design capacity on a mass basis for two or more products, and if one of those products is a thermoplastic product, then the thermoplastic product shall represent the primary product of the process unit.

(iii) If a process unit is designed and operated as a flexible operation unit, the primary product shall be determined as specified in paragraphs (f)(1)(iii)(A) or (B) of this section based on the anticipated operations for the 5 years following September 12, 1996 at existing process units, or for the first year after the process unit begins production of any product for new process units. If operations cannot be anticipated sufficiently to allow the determination of the primary product for the specified period, applicability shall be determined in accordance with paragraph (f)(2) of this section.

(A) If the flexible operation unit will manufacture one product for the greatest operating time over the specified five year period for existing process units, or the specified one year period for new process units, then that product shall represent the primary product of the flexible operation unit.

(B) If the flexible operation unit will manufacture multiple products equally based on operating time, then the product with the greatest expected production on a mass basis over the specified five year period for existing process units, or the specified one year period for new process units shall represent the primary product of the flexible operation unit.

(iv) If, according to paragraph (f)(1)(i), (ii), or (iii) of this section, the primary product of a process unit is a thermoplastic product, then that process unit shall be designated as a TPPU. That TPPU and associated equipment, as listed in paragraph (a)(4) of this section is either an affected source or part of an affected source comprised of other TPPU and associated equipment, as listed in paragraph (a)(4) of this section, subject to this subpart with the same primary product at the same plant site that is a major source. If the primary product of a process unit is determined to be a product that is not a thermoplastic product, then that process unit is not a TPPU.

(2) If the primary product cannot be determined for a flexible operation unit in accordance with paragraph (f)(1)(iii) of this section, applicability shall be determined in accordance with this paragraph.

(i) If the owner or operator cannot determine the primary product in accordance with paragraph (f)(1)(iii) of this section, but can determine that a thermoplastic product is not the primary product, then that flexible operation unit is not a TPPU.

(ii) If the owner or operator cannot determine the primary product in accordance with paragraph (f)(1)(iii) of this section, and cannot determine that a thermoplastic product is not the primary product as specified in paragraph (f)(2)(i) of this section, applicability shall be determined in accordance with paragraph (f)(2)(ii)(A) or (f)(2)(ii)(B) of this section.

(A) If the flexible operation unit is an existing process unit, the flexible operation unit shall be designated as a TPPU if a thermoplastic product was produced for 5 percent or greater of the total operating time of the flexible operating unit since March 9, 1999. That TPPU and associated equipment, as listed in paragraph (a)(4) of this section, is either an affected source, or part of an affected source comprised of other TPPU and associated equipment, as listed in paragraph (a)(4) of this section, subject to this subpart with the same primary product at the same plant site that is a major source. For a flexible operation unit that is designated as an TPPU in accordance with this

paragraph, the thermoplastic product produced for the greatest amount of time since March 9, 1999 shall be designated as the primary product of the TPPU.

(B) If the flexible operation unit is a new process unit, the flexible operation unit shall be designated as a TPPU if the owner or operator anticipates that a thermoplastic product will be manufactured in the flexible operation unit at any time in the first year after the date the unit begins production of any product. That TPPU and associated equipment, as listed in paragraph (a)(4) of this section, is either an affected source, or part of an affected source comprised of other TPPU and associated equipment, as listed in paragraph (a)(4) of this section, subject to this subpart with the same primary product at the same plant site that is a major source. For a process unit that is designated as a TPPU in accordance with this paragraph, the thermoplastic product that will be produced shall be designated as the primary product of the TPPU. If more than one thermoplastic product will be produced, the owner or operator may select which thermoplastic product is designated as the primary product.

(3) *Annual applicability determination for non-TPPUs that have produced a thermoplastic product.* Once per year beginning September 12, 2001, the owner or operator of each flexible operation unit that is not designated as a TPPU, but that has produced a thermoplastic product at any time in the preceding five-year period or since the date that the unit began production of any product, whichever is shorter, shall perform the evaluation described in paragraphs (f)(3)(i) through (f)(3)(iii) of this section.

(i) For each product produced in the flexible operation unit, the owner or operator shall calculate the percentage of total operating time over which the product was produced during the preceding five-year period.

(ii) The owner or operator shall identify the primary product as the product with the highest percentage of total operating time for the preceding five-year period.

(iii) If the primary product identified in paragraph (f)(3)(ii) is a thermoplastic product, the flexible operation unit shall be designated as a TPPU. The owner or operator shall notify the Administrator no later than 45 days after determining that the flexible operation unit is a TPPU, and shall comply with the requirements of this subpart in accordance with paragraph (i)(1) of this section for the flexible operation unit.

(4) *Applicability determination for non-TPPUs that have not produced a thermoplastic product.* The owner or operator that anticipates the production of a thermoplastic product in a process unit that is not designated as a TPPU, and in which no thermoplastic products have been produced in the previous 5 year period or since the date that the process unit began production of any product, whichever is shorter, shall determine if the process unit is subject to this subpart in accordance with paragraphs (f)(4)(i) and (ii) of this section. Also, owners or operators who have notified the Administrator that a process unit is not a TPPU in accordance with paragraph (f)(9) of this section, that now anticipate the production of a thermoplastic product in the process unit, shall determine if the process unit is subject to this subpart in accordance with paragraphs (f)(4)(i) and (ii) of this section.

(i) The owner or operator shall use the procedures in paragraph (f)(1) or (f)(2) of this section to determine if the process unit is designated as a TPPU, with the following exception: for existing process units that are determining the primary product in accordance with paragraph (f)(1)(iii) of this section, or that are determining applicability in accordance with paragraph (f)(2) of this section, production shall be projected for the five years following the date that the owner or operator anticipates initiating the production of a thermoplastic product, instead of the five years following September 12, 1996.

(ii) If the unit is designated as a TPPU in accordance with paragraph (f)(4)(i) of this section, the owner or operator shall comply in accordance with paragraph (i)(1) of this section.

(5) *Compliance for flexible operation units.* Owners or operators of TPPUs that are flexible operation units shall comply with the standards specified for the primary product, with the exceptions provided in paragraphs (f)(5)(i) and (f)(5)(ii) of this section.

(i) Whenever a flexible operation unit manufactures a product in which no organic HAP is used or manufactured, the owner or operator is only required to comply with either paragraph (b)(1) or (b)(2) of this section to demonstrate compliance for activities associated with the manufacture of that product. This subpart does not require compliance with the provisions of subpart A of this part for activities associated with the manufacture of a product that meets the criteria of paragraph (b) of this section.

(ii) Whenever a flexible operation unit manufactures a product that makes it subject to subpart GGG of this part, the owner or operator is not required to comply with the provisions of this subpart during the production of that product.

(6) Owners or operators of TPPUs that are flexible operation units have the option of determining the group status of each emission point associated with the flexible operation unit, in accordance with either paragraph (f)(6)(i) or (f)(6)(ii) of this section, with the exception of batch process vents. For batch process vents, the owner or operator shall determine the group status in accordance with § 63.1323.

(i) The owner or operator may determine the group status of each emission point based on emission point characteristics when the primary product is being manufactured. The criteria that shall be used for this group determination are the Group 1 criteria specified for the primary product.

(ii) The owner or operator may determine the group status of each emission point separately for each product produced by the flexible operation unit. For each product, the group status shall be determined using the emission point characteristics when that product is being manufactured and using the Group 1 criteria specified for the primary product. (Note: Under this scenario, it is possible that the group status, and therefore the requirement to achieve emission reductions, for an emission point may change depending on the product being manufactured.)

(7) Owners or operators determining the group status of emission points in flexible operation units based solely on the primary product in accordance with paragraph (f)(6)(i) of this section shall establish parameter monitoring levels, as required, in accordance with either paragraph (f)(7)(i) or (f)(7)(ii) of this section. Owners or operators determining the group status of emission points in flexible operation units based on each product in accordance with paragraph (f)(6)(ii) of this section shall establish parameter monitoring levels, as required, in accordance with paragraph (f)(7)(i) of this section.

(i) Establish separate parameter monitoring levels in accordance with § 63.1334(a) for each individual product.

(ii) Establish a single parameter monitoring level (for each parameter required to be monitored at each device subject to monitoring requirements) in accordance with § 63.1334(a) that would apply for all products.

(8) *Reporting requirements.* When it is determined that a process unit is a TPPU and subject to the requirements of this subpart, the Notification of

Compliance Status required by § 63.1335(e)(5) shall include the information specified in paragraphs (f)(8)(i) and (f)(8)(ii) of this section, as applicable. If it is determined that the process unit is not subject to this subpart, the owner or operator shall either retain all information, data, and analysis used to document the basis for the determination that the primary product is not a thermoplastic product, or, when requested by the Administrator, demonstrate that the process unit is not subject to this subpart.

(i) If the TPPU manufactures only one thermoplastic product, identification of that thermoplastic product.

(ii) If the TPPU is designed and operated as a flexible operation unit, the information specified in paragraphs (f)(8)(ii)(A) through (f)(8)(ii)(D) of this section, as appropriate, shall be submitted.

(A) If a primary product could be determined, identification of the primary product.

(B) Identification of which compliance option, either paragraph (f)(6)(i) or (f)(6)(ii) of this section, has been selected by the owner or operator.

(C) If the option to establish separate parameter monitoring levels for each product in paragraph (f)(7)(i) of this section is selected, the identification of each product and the corresponding parameter monitoring level.

(D) If the option to establish a single parameter monitor level in paragraph (f)(7)(ii) of this section is selected, the parameter monitoring level for each parameter.

(9) *TPPUs terminating production of all thermoplastic products.* If a TPPU terminates the production of all thermoplastic products and does not anticipate the production of any thermoplastic products in the future, the process unit is no longer a TPPU and is not subject to this subpart after notification is made to the Administrator. This notification shall be accompanied by a rationale for why it is anticipated that no thermoplastic products will be produced in the process unit in the future.

(10) *Redetermination of applicability to TPPUs that are flexible operation units.* Whenever changes in production occur that could reasonably be expected to change the primary product of a TPPU that is operating as a flexible operation unit from a thermoplastic product to a product that would make the process unit subject to another subpart of this part, the owner or operator shall re-evaluate the status of the process unit as a TPPU in accordance with paragraphs (f)(10)(i) through (iii) of this section.

(i) For each product produced in the flexible operation unit, the owner or operator shall calculate the percentage of total operating time in which the product was produced for the preceding five-year period, or since the date that the process unit began production of any product, whichever is shorter.

(ii) The owner or operator shall identify the primary product as the product with the highest percentage of total operating time for the period.

(iii) If the conditions in (f)(10)(iii)(A) through (C) of this section are met, the flexible operation unit shall no longer be designated as a TPPU and shall no longer be subject to the provisions of this subpart after the date that the process unit is required to be in compliance with the provisions of the other subpart of this part to which it is subject. If the conditions in paragraphs (f)(10)(iii)(A) through (C) of this section are not met, the flexible operation unit shall continue to be considered a TPPU and subject to the requirements of this subpart.

(A) The product identified in (f)(10)(ii) of this section is not a thermoplastic product; and

(B) The production of the product identified in (f)(10)(ii) of this section is subject to another subpart of this part; and

(C) The owner or operator submits a notification to the Administrator of the pending change in applicability.

(g) *Storage vessel ownership determination.* The owner or operator shall follow the procedures specified in paragraphs (g)(1) through (g)(7) of this section to determine to which process unit a storage vessel shall be assigned. Paragraph (g)(8) of this section specifies when an owner or operator is required to redetermine to which process unit a storage vessel is assigned.

(1) If a storage vessel is already subject to another subpart of 40 CFR part 63 on September 12, 1996, said storage vessel shall be assigned to the process unit subject to the other subpart.

(2) If a storage vessel is dedicated to a single process unit, the storage vessel shall be assigned to that process unit.

(3) If a storage vessel is shared among process units, then the storage vessel shall be assigned to that process unit located on the same plant site as the storage vessel that has the greatest input into or output from the storage vessel (i.e., said process unit has the predominant use of the storage vessel).

(4) If predominant use cannot be determined for a storage vessel that is shared among process units and if only one of those process units is a TPPU subject to this subpart, the storage vessel shall be assigned to said TPPU.

* * * * *

(6) If the predominant use of a storage vessel varies from year to year, then predominant use shall be determined based on the utilization that occurred during the year preceding September 12, 1996 or based on the expected utilization for the 5 years following September 12, 1996 for existing affected sources, whichever is more representative of the expected operations for said storage vessel, and based on the expected utilization for the first 5 years after initial start-up for new affected sources. The determination of predominant use shall be reported in the Notification of Compliance Status, as required by § 63.1335(e)(5)(vi).

(7) Where a storage vessel is located at a major source that includes one or more process units which place material into, or receive materials from the storage vessel, but the storage vessel is located in a tank farm (including a marine tank farm), the applicability of this subpart shall be determined according to the provisions in paragraphs (g)(7)(i) through (g)(7)(iv) of this section.

(i) The storage vessel may only be assigned to a process unit that utilizes the storage vessel and does not have an intervening storage vessel for that product (or raw material, as appropriate). With respect to any process unit, an intervening storage vessel means a storage vessel connected by hard-piping both to the process unit and to the storage vessel in the tank farm so that product or raw material entering or leaving the process unit flows into (or from) the intervening storage vessel and does not flow directly into (or from) the storage vessel in the tank farm.

(ii) If there is no process unit at the major source that meets the criteria of paragraph (g)(7)(i) of this section with respect to a storage vessel, this subpart does not apply to the storage vessel.

(iii) If there is only one process unit at the major source that meets the criteria of paragraph (g)(7)(i) of this section with respect to a storage vessel, the storage vessel shall be assigned to that process unit.

(iv) If there are two or more process units at the major source that meet the criteria of paragraph (g)(7)(i) of this section with respect to a storage vessel, the storage vessel shall be assigned to one of those process units according to the provisions of paragraphs (g)(3) through (g)(6) of this section. The predominant use shall be determined among only those process units that

meet the criteria of paragraph (g)(7)(i) of this section.

(8) If the storage vessel begins receiving material from (or sending material to) a process unit that was not included in the initial determination, or ceases to receive material from (or send material to) a process unit, the owner or operator shall re-evaluate the applicability of this subpart to the storage vessel.

(h) *Recovery operations equipment ownership determination.* The owner or operator shall follow the procedures specified in paragraphs (h)(1) through (h)(6) of this section to determine to which process unit recovery operations equipment shall be assigned. Paragraph (h)(7) of this section specifies when an owner or operator is required to redetermine to which process unit the recovery operations equipment is assigned.

(1) If recovery operations equipment is already subject to another subpart of 40 CFR part 63 on September 12, 1996, said recovery operations equipment shall be assigned to the process unit subject to the other subpart.

(2) If recovery operations equipment is dedicated to a single process unit, the recovery operations equipment shall be assigned to that process unit.

(3) If recovery operations equipment is shared among process units, then the recovery operations equipment shall be assigned to that process unit located on the same plant site as the recovery operations equipment that has the greatest input into or output from the recovery operations equipment (i.e., said process unit has the predominant use of the recovery operations equipment).

(4) If predominant use cannot be determined for recovery operations equipment that is shared among process units and if one of those process units is a TPPU subject to this subpart, the recovery operations equipment shall be assigned to said TPPU.

(5) If predominant use cannot be determined for recovery operations equipment that is shared among process units and if more than one of the process units are TPPUs that have different primary products and that are subject to this subpart, then the owner or operator shall assign the recovery operations equipment to any one of said TPPUs.

(6) If the predominant use of recovery operations equipment varies from year to year, then predominant use shall be determined based on the utilization that occurred during the year preceding September 12, 1996 or based on the expected utilization for the 5 years following September 12, 1996 for existing affected sources, whichever is the more representative of the expected operations for said recovery operations equipment, and based on the first 5 years after initial start-up for new affected sources. The determination of predominant use shall be reported in the Notification of Compliance Status, as required by § 63.1335(e)(5)(vii).

(7) If a piece of recovery operations equipment begins receiving material from a process unit that was not included in the initial determination, or ceases to receive material from a process unit that was included in the initial determination, the owner or operator shall reevaluate the applicability of this subpart to that recovery operations equipment.

(i) *Changes or additions to plant sites.* The provisions of paragraphs (i)(1) through (i)(4) of this section apply to owners or operators that change or add to their plant site or affected source. Paragraph (i)(5) of this section provides examples of what are and are not considered process changes for purposes of this paragraph (i) of this section. Paragraph (i)(6) of this section discusses reporting requirements.

(1) *Adding a TPPU to a plant site.* The provisions of paragraphs (i)(1)(i) and (i)(1)(ii) of this section apply to owners or operators that add one or more TPPUs to a plant site.

(i) If a group of one or more TPPUs that produce the same primary product is added to a plant site, the group of one or more TPPUs and associated equipment, as listed in paragraph (a)(4) of this section, shall be a new affected source and shall comply with the requirements for a new affected source in this subpart upon initial start-up or by February 27, 1998, whichever is later, if the criteria specified in either paragraph (i)(1)(i)(A) or (i)(1)(i)(B) of this section are met, and the criteria in either paragraph (i)(1)(i)(C) or (i)(1)(i)(D) of this section are met:

(A) The construction of the group of one or more TPPUs commenced after March 29, 1995.

(B) The construction or reconstruction, for process units that have become TPPUs, commenced after March 29, 1995.

(C) The group of one or more TPPUs and associated equipment, as listed in paragraph (a)(4) of this section, 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, and the primary product of the group of one or more TPPUs is currently produced at the plant site as the primary product of an affected source; or

(D) The primary product of the group of one or more TPPUs is not currently produced at the plant site as the primary product of an affected source and the plant site meets, or after the addition of the group of one or more TPPUs and associated equipment, as listed in paragraph (a)(4) of this section, will meet the definition of a major source.

(ii) If a group of one or more TPPUs that produce the same primary product is added to a plant site, and the group of one or more TPPUs does not meet the criteria specified in paragraph (i)(1)(i) of this section, and the plant site meets, or after the addition will meet, the definition of a major source, the group of one or more TPPUs and associated equipment, as listed in paragraph (a)(4) of this section, shall comply with the requirements for an existing affected source in this subpart upon initial start-up; by September 12, 1999; or by 6 months after notifying the Administrator that a process unit has been designated as a TPPU (in accordance with paragraph (f)(3)(iii) of this section), whichever is later.

(2) * * *

(i) If any process change or addition is made to an existing affected source and said process change or addition meets the criteria specified in paragraphs (i)(2)(i)(A) through (i)(2)(i)(B) of this section, the affected source shall be a new affected source and shall be subject to the requirements for a new affected source in this subpart upon initial start-up or by February 27, 1998, whichever is later.

(A) It is a process change or addition that meets the definition of reconstruction in § 63.1312(b); and

* * * * *

(ii) If any process change is made that results in one or more Group 1 emission points (i.e., either newly created Group 1 emission points or emission points that change group status from Group 2 to Group 1); if any process change is made that results in baseline emissions (i.e., emissions prior to applying controls for purposes of complying with this rule) from continuous process vents in the collection of material recovery sections within the affected source at an existing affected source producing PET using a continuous dimethyl terephthalate process changing from less than or equal to 0.12 kg organic HAP per Mg of product to greater than 0.12 kg organic HAP per Mg of product; or if any other emission point(s) is added to an existing affected source (i.e., Group 2 emission point(s) or equipment leak components subject to § 63.1331) and the process change or addition does not meet the criteria specified in paragraphs (i)(2)(i)(A) through (i)(2)(i)(B) of this section, the resulting emission point(s)

shall be subject to the requirements for an existing affected source in this subpart. The emission point(s) shall be in compliance upon initial start-up or by the appropriate compliance date specified in § 63.1311 (i.e., February 27, 1998 for most equipment leak components subject to § 63.1331 and September 12, 1999 for emission points other than equipment leaks), whichever is later.

(3) *Existing affected source requirements for surge control vessels and bottoms receivers that become subject to subpart H requirements.* If a process change or addition of an emission point causes a surge control vessel or bottoms receiver to become subject to § 63.170 under this paragraph (i), the owner or operator shall be in compliance upon initial start-up or by September 12, 1999, whichever is later.

(4) *Existing affected source requirements for compressors that become subject to the requirements of subpart H of this part.* If a process change or the addition of an emission point causes a compressor to become subject to § 63.164 under this paragraph (i), the owner or operator shall be in compliance upon initial start-up or by the compliance date for that compressor as specified in § 63.1311(d)(1) through (d)(4), whichever is later.

(5) *Determining what are and are not process changes.* For purposes of paragraph (i) of this section, examples of process changes include, but are not limited to, changes in feedstock type, or catalyst type, or whenever there is a replacement, removal, or addition of recovery equipment, or changes that increase production capacity. For purposes of paragraph (i) of this section, 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 report required by § 63.1335(e)(5).

(6) *Reporting requirements for owners or operators that change or add to their plant site or affected source.* Owners or operators that change or add to their plant site or affected source, as discussed in paragraphs (i)(1) and (i)(2) of this section, shall submit a report as specified in § 63.1335(e)(7)(iv).

(j) *Applicability of this subpart during periods of start-up, shutdown, malfunction, or non-operation.* Paragraphs (j)(1) through (j)(4) of this section shall be followed during periods of start-up, shutdown, malfunction, or non-operation of the affected source or any part thereof.

(1) The emission limitations set forth in this subpart and the emission limitations referred to in this subpart shall apply at all times except during periods of non-operation of the affected source (or specific portion thereof) resulting in cessation of the emissions to which this subpart applies. The emission limitations of this subpart and the emission limitations referred to in this subpart shall not apply during periods of start-up, shutdown, or malfunction. During periods of start-up, shutdown, or malfunction, the owner or operator shall follow the applicable provisions of the start-up, shutdown, and malfunction plan required by § 63.6(e)(3). However, if a start-up, shutdown, malfunction, or period of non-operation of one portion of an affected source does not affect the ability of a particular emission point to comply with the emission limitations to which it is subject, then that emission point shall still be required to comply with the applicable emission limitations of this subpart during the start-up, shutdown, malfunction, or period of non-operation. For example, if there is an overpressure in the reactor area, a storage vessel that is part of the affected source would still be required to be controlled in accordance with the emission limitations in § 63.1314. Similarly, the degassing of a storage vessel would not affect the ability of a batch process vent to meet the emission limitations of §§ 63.1321 through 63.1327.

(2) The emission limitations set forth in subpart H of this part, as referred to in § 63.1331, shall apply at all times except during periods of non-operation of the affected source (or specific portion thereof) in which the lines are drained and depressurized resulting in cessation of the emissions to which § 63.1331 applies, or during periods of start-up, shutdown, malfunction, or process unit shutdown (as defined in § 63.161).

(3) The owner or operator shall not shut down items of equipment that are required or utilized for compliance with this subpart during periods of start-up, shutdown, or malfunction during times when emissions (or, where applicable, wastewater streams or residuals) are being routed to such items of equipment, if the shutdown would contravene requirements of this subpart applicable to such items of equipment. This paragraph (j)(3) does not apply if the item of equipment is malfunctioning. This paragraph also does not apply if the owner or operator shuts down the compliance equipment (other than monitoring systems) to avoid damage due to a contemporaneous start-up, shutdown, or malfunction of the affected source or portion thereof. If the owner or operator has reason to believe that monitoring equipment would be damaged due to a contemporaneous start-up, shutdown, or malfunction of the affected source or portion thereof, the owner or operator shall provide documentation supporting such a claim in the Precompliance Report or in a supplement to the Precompliance Report, as provided in § 63.1335(e)(3). Once approved by the Administrator in accordance with § 63.1335(e)(3)(viii), the provision for ceasing to collect, during a start-up, shutdown, or malfunction, monitoring data that would otherwise be required by the provisions of this subpart must be incorporated into the start-up, shutdown, malfunction plan for that affected source, as stated in § 63.1335(b)(1).

(4) During start-ups, shutdowns, and malfunctions when the emission limitations of this subpart do not apply pursuant to paragraphs (j)(1) through (j)(3) of this section, the owner or operator shall implement, to the extent reasonably available, measures to prevent or minimize excess emissions to the extent practical. For purposes of this paragraph, the term ''excess emissions'' means emissions in excess of those that would have occurred if there were no start-up, shutdown, or malfunction and the owner or operator complied with the relevant provisions of this subpart. The measures to be taken shall be identified in the applicable start-up, shutdown, and malfunction plan, and may include, but are not limited to, air pollution control technologies, recovery technologies, work practices, pollution prevention, monitoring, and/or changes in the manner of operation of the affected source. Back-up control devices are not required, but may be used if available.

30. Section 63.1311 is amended by:

a. Revising the section title and paragraphs (a), (d) introductory text, (d)(1) introductory text, (d)(2), (d)(3), and (d)(5), (e) introductory text, (h), (i)(1), (j), (l) and (m); and

b. Adding paragraph (d)(6), (e)(3), (i)(3), (n), and (o), to read as follows:

§ 63.1311 Compliance dates and relationship of this subpart to existing applicable rules.

(a) Affected sources are required to achieve compliance on or before the dates specified in paragraphs (b) through (d) of this section. Paragraph (e) of this section provides information on requesting compliance extensions. Paragraphs (f) through (n) of this section discuss the relationship of this subpart to subpart A of this part and to other applicable rules. Where an override of

another authority of the Act is indicated in this subpart, only compliance with the provisions of this subpart is required. Paragraph (o) of this section specifies the meaning of time periods.

* * * * *

(d) Except as provided for in paragraphs (d)(1) through (d)(6) of this section, existing affected sources shall be in compliance with § 63.1331 no later than February 27, 1998 unless an extension has been granted pursuant to paragraph (e) of this section.

(1) Compliance with the compressor provisions of § 63.164 shall occur no later than February 27, 1998 for any compressor meeting one or more of the criteria in paragraphs (d)(1)(i) through (d)(1)(iv) of this section, if the work can be accomplished without a process unit shutdown:

* * * * *

(2) Compliance with the compressor provisions of § 63.164 shall occur no later than March 12, 1998 for any compressor meeting all the criteria in paragraphs (d)(2)(i) through (d)(2)(iv) of this section:

(i) The compressor meets one or more of the criteria specified in paragraphs (d)(1)(i) through (d)(1)(iv) of this section;

(ii) The work can be accomplished without a process unit shutdown;

(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 the request for a compliance extension to the appropriate Environmental Protection Agency (EPA) Regional Office at the address listed in § 63.13 no later than June 16, 1997. The request for a compliance extension shall contain the information specified in § 63.6(i)(6)(i)(A), (B), and (D). Unless the EPA Regional Office objects to the request for a compliance extension within 30 days after receipt of the request, the request shall be deemed approved.

(3) If compliance with the compressor provisions of § 63.164 cannot reasonably be achieved without a process unit shutdown, the owner or operator shall achieve compliance no later than September 12, 1998. The owner or operator who elects to use this provision shall submit a request for a compliance extension in accordance with the requirements of paragraph (d)(2)(iv) of this section.

* * * * *

(5) Compliance with the provisions of § 63.170 shall occur no later than September 12, 1999.

(6) Notwithstanding paragraphs (d)(1) through (d)(5) of this section, existing affected sources whose primary product, as determined using the procedures specified in § 63.1310(f), is PET shall be in compliance with § 63.1331 no later than September 12, 1999.

(e) Pursuant to Section 112(i)(3)(B) of the Act, an owner or operator may request an extension allowing the existing affected source up to 1 additional year to comply with section 112(d) standards. For purposes of this subpart, a request for an extension shall be submitted to the permitting authority as part of the operating permit application or to the Administrator as a separate submittal or as part of the Precompliance Report. Requests for extensions shall be submitted no later than 120 days prior to the compliance dates specified in paragraphs (b) through (d) of this section, except as provided in paragraph (e)(3) of this section. The dates specified in § 63.6(i) for submittal of requests for extensions shall not apply to this subpart.

* * * * *

(3) An owner or operator may submit a compliance extension request after the date specified in paragraph (e) of this section, provided that the need for the compliance extension arose after that date, and the need arose due to circumstances beyond reasonable control of the owner or operator. This request shall include, in addition to the information specified in paragraph (e)(1) of this section, a statement of the reasons additional time is needed and the date when the owner or operator first learned of the circumstances necessitating a request for compliance extension under this paragraph (e)(3).

* * * * *

(h) After the compliance dates specified in this section, a storage vessel that is assigned to an affected source subject to this subpart and that is also subject to the provisions of 40 CFR part 60, subpart Kb, is required to comply only with the provisions of this subpart. After the compliance dates specified in this section, said storage vessel shall no longer be subject to 40 CFR part 60, subpart Kb.

(i)(1) Except as provided in paragraphs (i)(2) and (i)(3) of this section, after the compliance dates specified in this section, affected sources producing PET using a continuous terephthalic acid process, producing PET using a continuous dimethyl terephthalate process, or producing polystyrene resin using a continuous process subject to this subpart that are also subject to the provisions of 40 CFR part 60, subpart DDD, are required to comply only with the provisions of this subpart. After the compliance dates specified in this section, said sources shall no longer be subject to 40 CFR part 60, subpart DDD.

* * * * *

(3) Existing affected sources producing PET using a continuous terephthalic acid process, but not using a continuous terephthalic acid high viscosity multiple end finisher process, that are subject to and complying with 40 CFR 60.562–1(c)(2)(ii)(B) shall continue to comply with said section. Existing affected sources producing PET using a continuous dimethyl terephthalic process that are subject to and complying with 40 CFR 60.562–1(c)(1)(ii)(B) shall continue to comply with said section.

(j) Owners or operators of affected sources subject to this subpart that are also subject to the provisions of subpart Q of this part shall comply with both subparts.

* * * * *

(l) After the compliance dates specified in this section, a distillation operation that is assigned to an affected source subject to this subpart that is also subject to the provisions of 40 CFR part 60, subpart NNN, is required to comply only with the provisions of this subpart. After the compliance dates specified in this section, the distillation operation shall no longer be subject to 40 CFR part 60, subpart NNN.

(m) *Applicability of other regulations for monitoring, recordkeeping or reporting with respect to combustion devices, recovery devices, or recapture devices.* After the compliance dates specified in this subpart, if any combustion device, recovery device or recapture device subject to this subpart is also subject to monitoring, recordkeeping, and reporting requirements in 40 CFR part 264 subpart AA or CC, or is subject to monitoring and recordkeeping requirements in 40 CFR part 265 subpart AA or CC and the owner or operator complies with the periodic reporting requirements under 40 CFR part 264 subpart AA or CC that would apply to the device if the facility had final-permitted status, the owner or operator may elect to comply either with the monitoring, recordkeeping and reporting requirements of this subpart, or with the monitoring, recordkeeping and reporting requirements in 40 CFR parts 264 and/or 265, as described in this paragraph, which shall constitute compliance with the monitoring, recordkeeping and reporting requirements of this subpart. The owner or operator shall identify which option has been selected in the Notification of Compliance Status required by § 63.1335(e)(5).

(n) *Applicability of other requirements for heat exchange systems or waste management units.* Paragraphs (n)(1) and (n)(2) of this section address instances in which certain requirements from other regulations also apply for the same heat exchange system(s) or waste management unit(s) that are subject to this subpart.

(1) After the applicable compliance date specified in this subpart, if a heat exchange system subject to this subpart is also subject to a standard identified in paragraphs (n)(1)(i) or (ii) of this section, compliance with the applicable provisions of the standard identified in paragraphs (n)(1)(i) or (ii) of this section shall constitute compliance with the applicable provisions of this subpart with respect to that heat exchange system.

(i) Subpart F of this part.

(ii) A subpart of this part which requires compliance with § 63.104 of subpart F of this part (e.g., subpart U of this part).

(2) After the applicable compliance date specified in this subpart, if any waste management unit subject to this subpart is also subject to a standard identified in paragraph (n)(2)(i) or (ii) of this section, compliance with the applicable provisions of the standard identified in paragraph (n)(2)(i) or (ii) of this section shall constitute compliance with the applicable provisions of this subpart with respect to that waste management unit.

(i) Subpart G of this part.

(ii) A subpart of this part which requires compliance with §§ 63.132 through 63.147 of subpart G of this part (e.g., subpart U of this part).

(o) All terms in this subpart that define a period of time for completion of required tasks (e.g., weekly, monthly, quarterly, annual), unless specified otherwise in the section or paragraph that imposes the requirement, refer to the standard calendar periods.

(1) Notwithstanding time periods specified in this subpart for completion of required tasks, such time periods may be changed by mutual agreement between the owner or operator and the Administrator, as specified in subpart A of this part (e.g., a period could begin on the compliance date or another date, rather than on the first day of the standard calendar period). For each time period that is changed by agreement, the revised period shall remain in effect until it is changed. A new request is not necessary for each recurring period.

(2) Where the period specified for compliance is a standard calendar period, if the initial compliance date occurs after the beginning of the period, compliance shall be required according to the schedule specified in paragraphs (o)(2)(i) or (o)(2)(ii) of this section, as appropriate.

(i) Compliance shall be required before the end of the standard calendar period within which the compliance deadline occurs, if there remain at least 3 days for tasks that must be performed weekly, at least 2 weeks for tasks that must be performed monthly, at least 1 month for tasks that must be performed each quarter, or at least 3 months for tasks that must be performed annually; or

(ii) In all other cases, compliance shall be required before the end of the first full standard calendar period after the period within which the initial compliance deadline occurs.

(3) In all instances where a provision of this subpart requires completion of a task during each of multiple successive periods, an owner or operator may perform the required task at any time during the specified period, provided that the task is conducted at a reasonable interval after completion of the task during the previous period.

31. Section 63.1312 is amended:

a. By revising paragraph (a) and the definitions for ''Acrylonitrile butadiene styrene latex resin (ABS latex),'' ''Aggregate batch vent stream,'' ''Batch process,'' ''Batch process vent,'' ''Batch unit operation,'' ''Continuous process,'' ''Continuous process vent,'' ''Continuous unit operation,'' ''Control device,'' ''Emission point,'' ''Emulsion process,'' ''Group 1 batch process vent,'' ''Group 1 wastewater stream,'' ''Heat exchange system,'' ''Maintenance wastewater,'' ''Mass process,'' ''Material recovery section,'' ''Organic hazardous air pollutant(s) (organic HAP),'' ''Polymerization reaction section,'' ''Process unit,'' ''Process vent,'' ''Product,'' ''Raw materials preparation section,'' ''Recovery operations equipment,'' ''Steady-state conditions,'' ''Storage vessel,'' ''Suspension process,'' and ''Thermoplastic product process unit (TPPU),'';

b. By removing the definitions of ''Average flow rate,'' ''Batch cycle limitation,'' ''Solid state polymerization unit,'' and ''Year,''; and

c. By adding definitions for the terms ''Annual average batch vent concentration,'' ''Annual average batch vent flow rate,'' ''Annual average concentration,'' ''Annual average flow rate,'' ''Average batch vent concentration,'' ''Average batch vent flow rate,'' ''Batch mass input limitation,'' ''Batch mode,'' ''Combined vent stream,'' ''Construction,'' ''Continuous mode,'' ''Continuous record,'' ''Continuous recorder,'' ''Equipment,'' ''Existing affected source,'' ''Existing process unit,'' ''Flexible operation unit,'' ''Highest-HAP recipe,'' ''Initial start-up,'' ''Maximum true vapor pressure,'' ''Multicomponent system,'' ''Net positive heating value,'' ''New affected source,'' ''New process unit,'' ''On-site or On site,'' ''Operating day,'' ''Recipe,'' ''Reconstruction,'' ''Recovery device,'' ''Residual,'' ''Shutdown,'' ''Solid state polymerization process,'' ''Start-up,'' ''Total resource effectiveness index value or TRE index value,'' ''Vent stream,'' ''Waste management unit,'' ''Wastewater,'' and ''Wastewater stream,'' to read as follows:

§ 63.1312 Definitions.

(a) The following terms used in this subpart shall have the meaning given them in § 63.2, § 63.101, § 63.111, § 63.161, or the Act, as specified after each term:

Act (§ 63.2)
Administrator (§ 63.2)
Automated monitoring and recording system (§ 63.111)
Boiler (§ 63.111)
Bottoms receiver (§ 63.161)
By compound (§ 63.111)
By-product (§ 63.101)
Car-seal (§ 63.111)
Closed-vent system (§ 63.111)
Combustion device (§ 63.111)
Commenced (§ 63.2)
Compliance date (§ 63.2)
Connector (§ 63.161)
Continuous monitoring system (§ 63.2)
Distillation unit (§ 63.111)
Duct work (§ 63.161)
Emission limitation (Section 302(k) of the Act)
Emission standard (§ 63.2)
Emissions averaging (§ 63.2)
EPA (§ 63.2)
Equipment leak (§ 63.101)
External floating roof (§ 63.111)
Fill or filling (§ 63.111)
First attempt at repair (§ 63.111)
Fixed capital cost (§ 63.2)
Flame zone (§ 63.111)
Floating roof (§ 63.111)
Flow indicator (§ 63.111)
Fuel gas system (§ 63.101)
Halogens and hydrogen halides (§ 63.111)
Hard-piping (§ 63.111)
Hazardous air pollutant (§ 63.2)
Impurity (§ 63.101)
In organic hazardous air pollutant service or in organic HAP service (§ 63.161)
Incinerator (§ 63.111)
Instrumentation system (§ 63.161)
Internal floating roof (§ 63.111)
Lesser quantity (§ 63.2)
Major source (§ 63.2)
Malfunction (§ 63.2)
Open-ended valve or line (§ 63.161)
Operating permit (§ 63.101)
Organic monitoring device (§ 63.111)
Owner or operator (§ 63.2)
Performance evaluation (§ 63.2)
Performance test (§ 63.2)
Permitting authority (§ 63.2)

Plant site (§ 63.101)
Potential to emit (§ 63.2)
Pressure release (§ 63.161)
Primary fuel (§ 63.111)
Process heater (§ 63.111)
Process unit shutdown (§ 63.161)
Process wastewater (§ 63.101)
Process wastewater stream (§ 63.111)
Reactor (§ 63.111)
Recapture device (§ 63.101)
Research and development facility (§ 63.101)
Routed to a process or route to a process (§ 63.161)
Run (§ 63.2)
Secondary fuel (§ 63.111)
Sensor (§ 63.161)
Specific gravity monitoring device (§ 63.111)
Start-up, shutdown, and malfunction plan (§ 63.101)
State (§ 63.2)
Stationary Source (§ 63.2)
Surge control vessel (§ 63.161)
Temperature monitoring device (§ 63.111)
Test method (§ 63.2)
Treatment process (§ 63.111)
Unit operation (§ 63.101)
Visible emission (§ 63.2)

(b) * * *

Acrylonitrile butadiene styrene latex resin (ABS latex) means ABS produced through an emulsion process; however, the product is not coagulated or dried as typically occurs in an emulsion process.

* * * * *

Aggregate batch vent stream means a gaseous emission stream containing only the exhausts from two or more batch process vents that are ducted, hardpiped, or otherwise connected together for a continuous flow .

* * * * *

Annual average batch vent concentration is determined using Equation 1, as described in § 63.1323(h)(2) for halogenated compounds.

Annual average batch vent flow rate is determined by the procedures in § 63.1323(e)(3).

Annual average concentration, as used in the wastewater provisions, means the flow-weighted annual average concentration, as determined according to the procedures specified in § 63.144(b), with the exceptions noted in § 63.1330, for the purposes of this subpart.

Annual average flow rate, as used in the wastewater provisions, means the annual average flow rate, as determined according to the procedures specified in § 63.144(c), with the exceptions noted in § 63.1330, for the purposes of this subpart.

Average batch vent concentration is determined by the procedures in § 63.1323(b)(5)(iii) for HAP concentrations and is determined by the procedures in § 63.1323(h)(1)(iii) for organic compounds containing halogens and hydrogen halides.

Average batch vent flow rate is determined by the procedures in § 63.1323 (e)(1) and (e)(2).

* * * * *

Batch mass input limitation means an enforceable restriction on the total mass of HAP or material that can be input to a batch unit operation in one year.

Batch mode means the discontinuous bulk movement of material through a unit operation. Mass, temperature, concentration, and other properties may vary with time. For a unit operation operated in a batch mode (i.e., batch unit operation), the addition of material and withdrawal of material do not typically occur simultaneously.

Batch process means, for the purposes of this subpart, a process where the reactor(s) is operated in a batch mode.

Batch process vent means a process vent with annual organic HAP emissions greater than 225 kilograms per year from a batch unit operation within an affected source. Annual organic HAP emissions are determined as specified in § 63.488(b) at the location specified in § 63.1323(a)(2).

Batch unit operation means a unit operation operated in a batch mode.

Combined vent stream, as used in reference to batch process vents, continuous process vents, and aggregate batch vent streams, means the emissions from a combination of two or more of the aforementioned types of process vents. The primary occurrence of a combined vent stream is the combined emissions from a continuous process vent and a batch process vent.

* * * * *

Construction means the on-site fabrication, erection, or installation of an affected source. Construction also means the on-site fabrication, erection, or installation of a process unit or combination of process units which subsequently becomes an affected source or part of an affected source, due to a change in primary product.

Continuous mode means the continuous movement of material through a unit operation. Mass, temperature, concentration, and other properties typically approach steady-state conditions. For a unit operation operated in a continuous mode (i.e., continuous unit operation), the simultaneous addition of raw material and withdrawal of product is typical.

Continuous process means, for the purposes of this subpart, a process where the reactor(s) is operated in a continuous mode.

Continuous process vent means a process vent containing greater than 0.005 weight percent total organic HAP from a continuous unit operation within an affected source. The total organic HAP weight percent is determined after the last recovery device, as described in § 63.115(a), and is determined as specified in § 63.115(c).

Continuous record means documentation, either in hard copy or computer readable form, of data values measured at least once every 15 minutes and recorded at the frequency specified in § 63.1335(d) or § 63.1335(h).

Continuous recorder means a data recording device that either records an instantaneous data value at least once every 15 minutes or records 1-hour or more frequent block average values.

Continuous unit operation means a unit operation operated in a continuous mode.

Control device is defined in § 63.111, except that the term ''continuous process vents subject to § 63.1315'' shall apply instead of the term ''process vents,'' for the purpose of this subpart.

* * * * *

Emission point means an individual continuous process vent, batch process vent, storage vessel, waste management unit, equipment leak, heat exchange system, or process contact cooling tower, or equipment subject to § 63.149.

Emulsion process means a process where the monomer(s) is dispersed in droplets throughout the water phase with the aid of an emulsifying agent such as soap or a synthetic emulsifier. The polymerization occurs either within the emulsion droplet or in the aqueous phase.

Equipment means, for the purposes of the provisions in § 63.1331 and the requirements in subpart H that are referred to in § 63.1331, each pump, compressor, agitator, pressure relief device, sampling connection system, open-ended valve or line, valve, connector, surge control vessel, bottoms receiver, and instrumentation system in organic hazardous air pollutant service; and any control devices or systems required by subpart H.

Existing affected source is defined in § 63.1310(a)(3).

Existing process unit means any process unit that is not a new process unit.

* * * * *

Flexible operation unit means a process unit that manufactures different chemical products, polymers, or resins periodically by alternating raw materials or operating conditions. These units are also referred to as campaign plants or blocked operations.

Group 1 batch process vent means a batch process vent releasing annual organic HAP emissions greater than the level specified in § 63.1323(d) and with

a cutoff flow rate, calculated in accordance with § 63.1323(f), greater than or equal to the annual average batch vent flow rate. Annual organic HAP emissions and annual average batch vent flow rate are determined at the exit of the batch unit operation, as described in § 63.1323(a)(2). Annual organic HAP emissions are determined as specified in § 63.1323(b), and annual average batch vent flow rate is determined as specified in § 63.1323(e).

* * * * *

Group 1 wastewater stream means a wastewater stream consisting of process wastewater from an existing or new affected source that meets the criteria for Group 1 status in § 63.132(c) and/or that meets the criteria for Group 1 status in § 63.132(d), with the exceptions listed in § 63.1330(b)(8) for the purposes of this subpart (i.e., for organic HAP listed on Table 6 of this subpart only).

* * * * *

Heat exchange system means any cooling tower system or once-through cooling water system (e.g., river or pond water) designed and intended to operate to not allow contact between the cooling medium and process fluid or gases (i.e., a noncontact system). A heat exchange system can include more than one heat exchanger and can include recirculating or once-through cooling systems.

Highest-HAP recipe for a product means the recipe of the product with the highest total mass of HAP charged to the reactor during the production of a single batch of product.

Initial start-up means the first time a new or reconstructed affected source begins production of a thermoplastic product, or, for equipment added or changed as described in § 63.1310(i), the first time the equipment is put into operation to produce a thermoplastic product. Initial start-up does not include operation solely for testing equipment. Initial start-up does not include subsequent start-ups of an affected source or portion thereof following malfunctions or shutdowns or following changes in product for flexible operation units or following recharging of equipment in batch operation. Further, for purposes of § 63.1311 and § 63.1331, initial start-up does not include subsequent start-ups of affected sources or portions thereof following malfunctions or process unit shutdowns.

Maintenance wastewater is defined in § 63.101, except that the term ''thermoplastic product process unit'' shall apply wherever the term ''chemical manufacturing process unit'' is used. Further, the generation of wastewater from the routine rinsing or washing of equipment in batch operation between batches is not maintenance wastewater, but is considered to be process wastewater, for the purposes of this subpart.

Mass process means a polymerization process carried out through the use of thermal energy . Mass processes do not utilize emulsifying or suspending agents, but may utilize catalysts or other additives.

Material recovery section means, for PET plants, the equipment that recovers unreacted ethylene glycol or by-product methanol from any process section for return to the TPPU, or sale, or the equipment that separates materials containing unreacted ethylene glycol or by-product methanol from any process section for off-site purification or treatment with the intent to recover ethylene glycol and/or methanol for reuse. For polystyrene plants, *material recovery section* means the equipment that recovers unreacted styrene from any process section for return to the TPPU or sale, or the equipment that separates materials containing unreacted styrene from any process section for off-site purification or treatment with the intent to recover styrene for reuse. Equipment used to store recovered materials (i.e., ethylene glycol, methanol, or styrene) is not included. Equipment designed to recover or separate materials from the polymer product is to be included in this process section, provided that at the time of initial compliance some of the unreacted or by-product material is recovered for return to the TPPU, or sale, or some of the separated material is sent for off-site purification or treatment with the intent to recover the unreacted or by-product material for reuse. Otherwise, such equipment is to be assigned to one of the other process sections, as appropriate. If equipment is used to recover unreacted or by-product material and return it directly to the same piece of process equipment from which it was emitted, then said recovery equipment is considered part of the process section that contains the process equipment. On the other hand, if equipment is used to recover unreacted or by-product material and return it to a different piece of process equipment in the same process section, said recovery equipment is considered part of a material recovery section. Equipment used for the on-site recovery of ethylene glycol from PET plants, however, is not included in the material recovery section; such equipment is to be included in the polymerization reaction section. Equipment used for the on-site recovery of both ethylene glycol and any other materials from PET plants is not included in the material recovery section; this equipment is to be included in the polymerization reaction section.

Maximum true vapor pressure is defined in § 63.111, except that the terms ''transfer'' or ''transferred'' shall not apply for purposes of this subpart.

* * * * *

Multicomponent system means, as used in conjunction with batch process vents, a stream whose liquid and/or vapor contains more than one compound.

Net positive heating value means the difference between the heat value of the recovered chemical stream and the minimum heat value required to ensure a stable flame in the combustion device, when the heat value of the recovered chemical stream is less than the minimum heat value required to ensure a stable flame. This difference must have a positive value when used in the context of ''recovering chemicals for fuel value'' (e.g., in the definition of ''recovery device'' in this section).

New affected source is defined in § 63.1310(a)(4).

New process unit means a process unit for which the construction or reconstruction commenced after March 29, 1995.

* * * * *

On-site or *On site* means, with respect to records required to be maintained by this subpart or required by another subpart referenced by this subpart, that records are stored at a location within a major source which encompasses the affected source. On-site includes, but is not limited to, storage at the affected source or TPPU to which the records pertain, or storage in central files elsewhere at the major source.

Operating day means the period defined by the owner or operator in the Notification of Compliance Status required by § 63.1335(e)(5). The operating day is the period for which daily average monitoring values and batch cycle daily average monitoring values are determined.

Organic hazardous air pollutant(s) (organic HAP) means one or more of the chemicals listed in Table 6 of this subpart or any other chemical which is:

(1) Knowingly produced or introduced into the manufacturing process other than as an impurity; and

(2) Listed in Table 2 of subpart F of this part.

* * * * *

Polymerization reaction section means the equipment designed to cause monomer(s) to react to form polymers, including equipment designed primarily to cause the formation of short polymer

chains (e.g., oligomers or low molecular weight polymers), but not including equipment designed to prepare raw materials for polymerization (e.g., esterification vessels). For the purposes of these standards, the polymerization reaction section begins with the equipment used to transfer the materials from the raw materials preparation section and ends with the last vessel in which polymerization occurs. Equipment used for the on-site recovery of ethylene glycol from PET plants is included in this process section, rather than in the material recovery process section.

* * * * *

Process unit means a collection of equipment assembled and connected by hardpiping or duct work, used to process raw materials and to manufacture a product.

Process vent means a gaseous emission stream from a unit operation that is discharged to the atmosphere either directly or after passing through one or more control, recovery, or recapture devices. Unit operations that may have process vents are condensers, distillation units, reactors, or other unit operations within the TPPU. Process vents exclude pressure releases, gaseous streams routed to a fuel gas system(s), and leaks from equipment regulated under § 63.1331. A gaseous emission stream is no longer considered to be a process vent after the stream has been controlled and monitored in accordance with the applicable provisions of this subpart.

Product means a polymer produced using the same monomers and varying in additives (e.g., initiators, terminators, etc.); catalysts; or in the relative proportions of monomers, that is manufactured by a process unit. With respect to polymers, more than one recipe may be used to produce the same product. As an example, styrene acrylonitrile resin and methyl methacrylate butadiene styrene resin each represent a different product. Product also means a chemical that is not a polymer, that is manufactured by a process unit. By-products, isolated intermediates, impurities, wastes, and trace contaminants are not considered products.

Raw materials preparation section means the equipment at a polymer manufacturing plant designed to prepare raw materials, such as monomers and solvents, for polymerization. For the purposes of the standards in this subpart, this process section includes the equipment used to transfer raw materials from storage and/or the equipment used to transfer recovered material from the material recovery process sections to the raw material preparation section, and ends with the last piece of equipment that prepares the material for polymerization. The raw materials preparation section may include equipment that is used to purify, dry, or otherwise treat raw materials or raw and recovered materials together; to activate catalysts; or to promote esterification including the formation of some short polymer chains (oligomers). The raw materials preparation section does not include equipment that is designed primarily to accomplish the formation of oligomers, the treatment of recovered materials alone, or the storage of raw or recovered materials.

Recipe means a specific composition, from among the range of possible compositions that may occur within a product, as defined in this section. A recipe is determined by the proportions of monomers and, if present, other reactants and additives that are used to make the recipe. For example, acrylonitrile butadiene styrene latex resin (ABS latex) without additives; ABS latex with an additive; and ABS latex with different proportions of acrylonitrile to butadiene are all different recipes of the same product, ABS latex.

Reconstruction means the replacement of components of an affected source or of a previously unaffected stationary source that becomes an affected source as a result of the replacement, to such an extent that:

(1) The fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable new source; and

(2) It is technologically and economically feasible for the reconstructed source to meet the provisions of this subpart.

Recovery device means:

(1) An individual unit of equipment capable of and normally used for the purpose of recovering chemicals for:

(i) Use;

(ii) Reuse;

(iii) Fuel value (i.e., net heating value); or

(iv) For sale for use, reuse, or fuel value (i.e., net heating value).

(2) Examples of equipment that may be recovery devices include absorbers, carbon adsorbers, condensers, oil-water separators or organic-water separators, or organic removal devices such as decanters, strippers, or thin-film evaporation units. For the purposes of the monitoring, recordkeeping, or reporting requirements of this subpart, recapture devices are considered recovery devices.

Recovery operations equipment means the equipment used to separate the components of process streams. Recovery operations equipment includes distillation units, condensers, etc. Equipment used for wastewater treatment and recovery or recapture devices used as control devices shall not be considered recovery operations equipment.

Residual is defined in § 63.111, except that when the definition in § 63.111 uses the term ''Table 9 compounds,'' the term ''organic HAP listed in Table 6 of subpart JJJ'' shall apply for purposes of this subpart.

Shutdown means for purposes including, but not limited to, periodic maintenance, replacement of equipment, or repair, the cessation of operation of an affected source, a TPPU(s) within an affected source, a waste management unit or unit operation within an affected source, or equipment required or used to comply with this subpart, or the emptying or degassing of a storage vessel. For purposes of the wastewater provisions of § 63.1330, shutdown does not include the routine rinsing or washing of equipment in batch operation between batches. For purposes of the batch process vent provisions in §§ 63.1321 through 63.1327, the cessation of equipment in batch operation is not a shutdown, unless the equipment undergoes maintenance, is replaced, or is repaired.

Solid state polymerization process means a unit operation which, through the application of heat, furthers the polymerization (i.e., increases the intrinsic viscosity) of polymer chips.

Start-up means the setting into operation of an affected source, a TPPU(s) within an affected source, a waste management unit or unit operation within an affected source, or equipment required or used to comply with this subpart, or a storage vessel after emptying and degassing. For both continuous and batch processes, start-up includes initial start-up and operation solely for testing equipment. For both continuous and batch processes, start-up does not include the recharging of equipment in batch operation. For continuous processes, start-up includes transitional conditions due to changes in product for flexible operation units. For batch processes, start-up does not include transitional conditions due to changes in product for flexible operation units.

Steady-state conditions means that all variables (temperatures, pressures, volumes, flow rates, etc.) in a process do

not vary significantly with time; minor fluctuations about constant mean values may occur.

Storage vessel means a tank or other vessel that is used to store liquids that contain one or more organic HAP. Storage vessels do not include:

(1) Vessels permanently attached to motor vehicles such as trucks, railcars, barges, or ships;

(2) Pressure vessels designed to operate in excess of 204.9 kilopascals and without emissions to the atmosphere;

(3) Vessels with capacities smaller than 38 cubic meters;

(4) Vessels and equipment storing and/or handling material that contains no organic HAP and/or organic HAP as impurities only;

(5) Wastewater storage tanks; and

(6) Surge control vessels and bottoms receivers.

* * * * *

Suspension process means a polymerization process where the monomer(s) is in a state of suspension, with the help of suspending agents, in a medium other than water (typically an organic solvent). The resulting polymers are not soluble in the reactor medium.

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* * * * *

Thermoplastic product process unit (TPPU) means a collection of equipment assembled and connected by hard-piping or ductwork, used to process raw materials and to manufacture a thermoplastic product as its primary product. This collection of equipment includes unit operations; recovery operations equipment, process vents; equipment identified in § 63.149; storage vessels, as determined in § 63.1310(g); and the equipment that is subject to the equipment leak provisions as specified in § 63.1331. Utilities, lines and equipment not containing process fluids, and other non-process lines, such as heating and cooling systems which do not combine their materials with those in the processes they serve, are not part of the thermoplastic product process unit. A thermoplastic product process unit consists of more than one unit operation.

* * * * *

Total resource effectiveness index value or TRE index value means a measure of the supplemental total resource requirement per unit reduction organic HAP associated with a continuous process vent stream, based on vent stream flow rate, emission rate of organic HAP, net heating value, and corrosion properties (whether or not the continuous process vent stream contains halogenated compounds), as quantified by the equations given under § 63.115.

Vent stream, as used in reference to batch process vents, continuous process vents, and aggregate batch vent streams, means the emissions from one or more process vents.

Waste management unit is defined in § 63.111, except that where the definition in § 63.111 uses the term ''chemical manufacturing process unit,'' the term ''TPPU'' shall apply for purposes of this subpart.

Wastewater means water that:

(1) Contains either:

(i) An annual average concentration of organic HAP listed on Table 6 of this subpart, except for ethylene glycol, of at least 5 parts per million by weight and has an annual average flow rate of 0.02 liter per minute or greater; or

(ii) An annual average concentration of organic HAP listed on Table 6 of this subpart, except for ethylene glycol, of at least 10,000 parts per million by weight at any flow rate; and

(2) Is discarded from a TPPU that is part of an affected source. Wastewater is process wastewater or maintenance wastewater.

Wastewater stream means a stream that contains wastewater as defined in this section.

32. Section 63.1313 is amended by revising paragraph (a) introductory text, (a)(2), (b), and (c); and adding paragraph (d), to read as follows:

§ 63.1313 Emission standards.

(a) Except as allowed under paragraphs (b) through (d) of this section, the owner or operator of an existing or new affected source shall comply with the provisions in:

* * * * *

(2) Section 63.1315, or §§ 63.1316 through 63.1320, as appropriate, for continuous process vents;

* * * * *

(b) When emissions of different kinds (i.e., emissions from continuous process vents subject to either § 63.1315 or §§ 63.1316 through 63.1320, batch process vents, aggregate batch vent streams, storage vessels, process wastewater, and/or in-process equipment subject to § 63.149) are combined, and at least one of the emission streams would be classified as Group 1 in the absence of combination with other emission streams, the owner or operator shall comply with the requirements of either paragraph (b)(1) or (b)(2) of this section, as appropriate. For purposes of this paragraph (b), combined emission streams containing one or more batch process vents and containing one or more continuous process vents subject to § 63.1315, § 63.1316(b)(1)(i)(A), § 63.1316(b)(1)(ii), § 63.1316(b)(2)(i), § 63.1316(b)(2)(ii), or § 63.1316(c)(1), excluding § 63.1316(c)(1)(ii), may comply with either paragraph (b)(1) or (b)(2) of this section, as appropriate. For purposes of this paragraph (b), the owner or operator of an affected source with combined emission streams containing one or more batch process vents but not containing one or more continuous process vents subject to § 63.1315, § 63.1316(b)(1)(i)(A), § 63.1316(b)(1)(ii), § 63.1316(b)(2)(i), § 63.1316(b)(2)(ii), or § 63.1316(c)(1), excluding § 63.1316(c)(1)(ii), shall comply with paragraph (b)(3) of this section.

(1) Comply with the applicable requirements of this subpart for each kind of emission in the stream as specified in paragraphs (a)(1) through (a)(7) of this section.

(2) Comply with the first set of requirements, identified in paragraphs (b)(2)(i) through (b)(2)(vi) of this section, which applies to any individual emission stream that is included in the combined stream, where either that emission stream would be classified as Group 1 in the absence of combination with other emission streams, or the owner or operator chooses to consider that emission stream to be Group 1 for purposes of this paragraph. Compliance with the first applicable set of requirements identified in paragraphs (b)(2)(i) through (b)(2)(vi) of this section constitutes compliance with all other requirements in paragraphs (b)(2)(i) through (b)(2)(vi) of this section applicable to other types of emissions in the combined stream.

(i) The requirements of this subpart for Group 1 continuous process vents subject to § 63.1315, including applicable monitoring, recordkeeping, and reporting;

(ii) The requirements of § 63.1316(b)(1)(i)(A), § 63.1316(b)(1)(ii), § 63.1316(b)(2)(i), § 63.1316(b)(2)(ii), or § 63.1316(c)(1), excluding § 63.1316(c)(1)(ii), as appropriate, for control of emissions from continuous process vents subject to the control requirements of § 63.1316, including applicable monitoring, recordkeeping, and reporting requirements;

(iii) The requirements of § 63.119(e), as specified in § 63.1314, for control of emissions from Group 1 storage vessels, including applicable monitoring, recordkeeping, and reporting;

(iv) The requirements of § 63.139, as specified in § 63.1330, for control devices used to control emissions from waste management units, including applicable monitoring, recordkeeping, and reporting;

(v) The requirements of § 63.139, as specified in § 63.1330, for closed vent

systems for control of emissions from in-process equipment subject to § 63.149, as specified in § 63.1330, including applicable monitoring, recordkeeping, and reporting; or

(vi) The requirements of this subpart for aggregate batch vent streams subject to § 63.1321(c), including applicable monitoring, recordkeeping, and reporting.

(3) The owner or operator of an affected source with combined emission streams containing one or more batch process vents but not containing one or more continuous process vents subject to § 63.1315, § 63.1316(b)(1)(i)(A), § 63.1316(b)(1)(ii), § 63.1316(b)(2)(i), § 63.1316(b)(2)(ii), or § 63.1316(c)(1), excluding § 63.1316(c)(1)(ii), shall comply with paragraph (b)(3)(i) and (b)(3)(ii) of this section.

(i) The owner or operator of the affected source shall comply with § 63.1321 for the batch process vent(s).

(ii) The owner or operator of the affected source shall comply with either paragraph (b)(1) or (b)(2) of this section, as appropriate, for the remaining emission streams.

(c) Instead of complying with §§ 63.1314, 63.1315, 63.1316 through 63.1320, 63.1321, and 63.1330, the owner or operator of an existing affected source may elect to control any or all of the storage vessels, batch process vents, aggregate batch vent streams, continuous process vents, and wastewater streams and associated waste management units within the affected source to different levels using an emissions averaging compliance approach that uses the procedures specified in § 63.1332. The restrictions concerning which emission points may be included in an emissions average, including how many emission points may be included, are specified in § 63.1332(a)(1). An owner or operator electing to use emissions averaging shall still comply with the provisions of §§ 63.1314, 63.1315, 63.1316 through 63.1320, 63.1321, and 63.1330 for affected source emission points not included in the emissions average.

(d) A State may decide not to allow the use of the emissions averaging compliance approach specified in paragraph (c) of this section.

33. Section 63.1314 is amended by revising paragraphs (a) introductory text, (a)(1) through (a)(3), (a)(5) through (a)(16), (b) introductory text, and (c); and adding paragraphs (a)(17) and (b)(3), to read as follows:

§ 63.1314 Storage vessel provisions.

(a) This section applies to each storage vessel that is assigned to an affected source, as determined by § 63.1310(g). Except as provided in paragraphs (b) through (d) of this section, the owner or operator of an affected source shall comply with the requirements of §§ 63.119 through 63.123 and 63.148 for those storage vessels, with the differences noted in paragraphs (a)(1) through (a)(17) of this section for the purposes of this subpart.

(1) When the term ''storage vessel'' is used in §§ 63.119 through 63.123, the definition of this term in § 63.1312 shall apply for the purposes of this subpart.

(2) When the term ''Group 1 storage vessel'' is used in §§ 63.119 through 63.123, the definition of this term in § 63.1312 shall apply for the purposes of this subpart.

(3) When the term ''Group 2 storage vessel'' is used in §§ 63.119 through 63.123, the definition of this term in § 63.1312 shall apply for the purposes of this subpart.

* * * * *

(5) When December 31, 1992, is referred to in § 63.119, March 29, 1995 shall apply instead, for the purposes of this subpart.

(6) When April 22, 1994, is referred to in § 63.119, September 12, 1996 shall apply instead, for the purposes of this subpart.

(7) Each owner or operator of an affected source shall comply with this paragraph (a)(7) instead of § 63.120(d)(1)(ii) for the purposes of this subpart. If the control device used to comply with § 63.119(e) is also used to comply with any of the requirements found in § 63.1315, § 63.1316, § 63.1322, or § 63.1330, the performance test required in or accepted by the applicable requirements of §§ 63.1315, 63.1316, 63.1322, and 63.1330 is acceptable for demonstrating compliance with § 63.119(e) for the purposes of this subpart. The owner or operator is not required to prepare a design evaluation for the control device as described in § 63.120(d)(1)(i), if the performance test meets the criteria specified in paragraphs (a)(7)(i) and (a)(7)(ii) of this section.

(i) The performance test demonstrates that the control device achieves greater than or equal to the required control efficiency specified in § 63.119(e)(1) or § 63.119(e)(2), as applicable; and

(ii) The performance test is submitted as part of the Notification of Compliance Status required by § 63.1335(e)(5).

(8) When the term ''operating range'' is used in § 63.120(d)(3), the term ''level'' shall apply instead, for the purposes of this subpart.

(9) For purposes of this subpart, the monitoring plan required by § 63.120(d)(2) shall specify for which control devices the owner or operator has selected to follow the procedures for continuous monitoring specified in § 63.1334. For those control devices for which the owner or operator has selected to not follow the procedures for continuous monitoring specified in § 63.1334, the monitoring plan shall include a description of the parameter or parameters to be monitored to ensure that the control device is being properly operated and maintained, an explanation of the criteria used for selection of that parameter (or parameters), and the frequency with which monitoring will be performed (e.g., when the liquid level in the storage vessel is being raised), as specified in § 63.120(d)(2)(i).

(10) For purposes of this subpart, the monitoring plan required by § 63.122(b) shall be included in the Notification of Compliance Status required by § 63.1335(e)(5).

(11) When the Notification of Compliance Status requirements contained in § 63.152(b) are referred to in §§ 63.120, 63.122, and 63.123, the Notification of Compliance Status requirements contained in § 63.1335(e)(5) shall apply for the purposes of this subpart.

(12) When the Periodic Report requirements contained in § 63.152(c) are referred to in §§ 63.120, 63.122, and 63.123, the Periodic Report requirements contained in § 63.1335(e)(6) shall apply for the purposes of this subpart.

(13) When other reports as required in § 63.152(d) are referred to in § 63.122, the reporting requirements contained in § 63.1335(e)(7) shall apply for the purposes of this subpart.

(14) When the Initial Notification requirements contained in § 63.151(b) are referred to in § 63.122, the owner or operator of an affected source subject to this subpart need not comply for the purposes of this subpart.

(15) When the determination of equivalence criteria in § 63.102(b) is referred to in § 63.121(a), the provisions in § 63.6(g) shall apply for the purposes of this subpart.

(16) When § 63.119(a) requires compliance according to the schedule provisions in § 63.100, owners and operators of affected sources shall instead comply with the requirements in §§ 63.119(a)(1) through 63.119(a)(4) by the compliance date for storage vessels, which is specified in § 63.1311.

(17) In § 63.120(e)(1), instead of the reference to § 63.11(b), the requirements of § 63.1333(e) shall apply.

(b) Owners or operators of Group 1 storage vessels that are assigned to a new affected source producing SAN

using a continuous process shall control emissions to the levels indicated in paragraphs (b)(1) and (b)(2) of this section.

* * * * *

(3) For all other storage vessels designated as Group 1 storage vessels, emissions shall be controlled to the level designated in § 63.119.

(c) Owners or operators of Group 1 storage vessels that are assigned to a new or existing affected source producing ASA/AMSAN shall control emissions by at least 98 percent relative to uncontrolled emissions.

* * * * *

34. Section 63.1315 is amended by revising paragraphs (a) (1) through (4), (a)(9) through (a)(17), (b) introductory text, (b)(1)(ii), (c), and (d), to read as follows:

§ 63.1315 Continuous process vents provisions.

(a) * * *

(1) When the term ''process vent'' is used in §§ 63.113 through 63.118, the term ''continuous process vent,'' and the definition of this term in § 63.1312 shall apply for the purposes of this subpart.

(2) When the term ''Group 1 process vent'' is used in §§ 63.113 through 63.118, the term ''Group 1 continuous process vent,'' and the definition of this term in § 63.1312 shall apply for the purposes of this subpart.

(3) When the term ''Group 2 process vent'' is used in §§ 63.113 through 63.118, the term ''Group 2 continuous process vent,'' and the definition of this term in § 63.1312 shall apply for the purposes of this subpart.

(4) When December 31, 1992 is referred to in § 63.113, apply the date March 29, 1995, for the purposes of this subpart.

* * * * *

(9) When § 63.114(e) specifies that an owner or operator shall submit the information required in § 63.152(b) in order to establish the parameter monitoring range, the owner or operator of an affected source shall comply with the provisions of § 63.1334 for establishing the parameter monitoring level and shall comply with § 63.1335(e)(5) for purposes of reporting information related to establishment of the parameter monitoring level for purposes of this subpart. Further, the term ''level'' shall apply when the term ''range'' is used in §§ 63.114, 63.117, and 63.118.

(10) When reports of process changes are required under § 63.118 (g), (h), (i), or (j), paragraphs (a)(10)(i) through (a)(10)(iv) of this section shall apply for the purposes of this subpart. In addition, for the purposes of this subpart, paragraph (a)(10)(v) of this section applies, and § 63.118(k) does not apply to owners or operators of affected sources.

(i) For the purposes of this subpart, whenever a process change, as defined in § 63.115(e), is made that causes a Group 2 continuous process vent to become a Group 1 continuous process vent, the owner or operator shall submit a report within 180 days after the process change is made or with the next Periodic Report, whichever is later. A description of the process change shall be submitted with the report of the process change, and the owner or operator of the affected source shall comply with the Group 1 provisions in §§ 63.113 through 63.118 in accordance with § 63.1310(i)(2)(ii).

(ii) Whenever a process change, as defined in § 63.115(e), is made that causes a Group 2 continuous process vent with a TRE greater than 4.0 to become a Group 2 continuous process vent with a TRE less than 4.0, the owner or operator shall submit a report within 180 days after the process change is made or with the next Periodic Report, whichever is later. A description of the process change shall be submitted with the report of the process change, and the owner or operator shall comply with the provisions in § 63.113(d) by the dates specified in § 63.481.

(iii) Whenever a process change, as defined in § 63.115(e), is made that causes a Group 2 continuous process vent with a flow rate less than 0.005 standard cubic meter per minute to become a Group 2 continuous process vent with a flow rate of 0.005 standard cubic meter per minute or greater and a TRE index value less than or equal to 4.0, the owner or operator shall submit a report within 180 days after the process change is made or with the next Periodic Report, whichever is later. A description of the process change shall be submitted with the report of the process change, and the owner or operator shall comply with the provisions in § 63.113(d) by the dates specified in § 63.481.

(iv) Whenever a process change, as defined in § 63.115(e), is made that causes a Group 2 continuous process vent with an organic HAP concentration less than 50 parts per million by volume to become a Group 2 continuous process vent with an organic HAP concentration of 50 parts per million by volume or greater and a TRE index value less than or equal to 4.0, the owner or operator shall submit a report within 180 days after the process change is made or with the next Periodic Report, whichever is later. A description of the process change shall be submitted with the report of the process change, and the owner or operator shall comply with the provisions in § 63.113(d) by the dates specified in § 63.481.

(v) The owner or operator is not required to submit a report of a process change if one of the conditions listed in paragraphs (a)(10)(v)(A), (a)(10)(v)(B), (a)(10)(v)(C), or (a)(10)(v)(D) of this section is met.

(A) The process change does not meet the definition of a process change in § 63.115(e);

(B) The vent stream flow rate is recalculated according to § 63.115(e) and the recalculated value is less than 0.005 standard cubic meter per minute;

(C) The organic HAP concentration of the vent stream is recalculated according to § 63.115(e) and the recalculated value is less than 50 parts per million by volume; or

(D) The TRE index value is recalculated according to § 63.115(e) and the recalculated value is greater than 4.0, or for the affected sources producing methyl methacrylate butadiene styrene resin the recalculated value is greater than 6.7.

(11) When the provisions of § 63.116 (c)(3) and (c)(4) specify that Method 18, 40 CFR part 60, appendix A shall be used, Method 18 or Method 25A, 40 CFR part 60, appendix A may be used for the purposes of this subpart. The use of Method 25A, 40 CFR part 60, appendix A shall conform with the requirements in paragraphs (a)(11)(i) and (a)(11)(ii) of this section.

(i) The organic HAP used as the calibration gas for Method 25A, 40 CFR part 60, appendix A shall be the single organic HAP representing the largest percent by volume of the emissions.

(ii) The use of Method 25A, 40 CFR part 60, appendix A is acceptable if the response from the high-level calibration gas is at least 20 times the standard deviation of the response from the zero calibration gas when the instrument is zeroed on the most sensitive scale.

(12) When § 63.118, periodic reporting and recordkeeping requirements, refers to § 63.152(f), the recordkeeping requirements in § 63.1335(d) shall apply for purposes of this subpart.

(13) If a batch process vent or aggregate batch vent stream is combined with a continuous process vent, the owner or operator of the affected source containing the combined vent stream shall comply with paragraph (a)(13)(i); with paragraph (a)(13)(ii) and with paragraph (a)(13) (iii) or (iv); or with paragraph (a)(13)(v) of this section, as appropriate.

(i) If a batch process vent or aggregate batch vent stream is combined with a Group 1 continuous process vent prior to the combined vent stream being routed to a control device, the owner or operator of the affected source containing the combined vent stream shall comply with the requirements in paragraph (a)(13)(i) (A) or (B) of this section.

(A) All requirements for a Group 1 process vent stream in §§ 63.113 through 63.118, except as otherwise provided in this section. As specified in § 63.1333(a)(1), performance tests shall be conducted at maximum representative operating conditions. For the purpose of conducting a performance test on a combined vent stream, maximum representative operating conditions shall be when batch emission episodes are occurring that result in the highest organic HAP emission rate (for the combined vent stream) that is achievable during one of the periods listed in § 63.1333(a)(1)(i) or § 63.1333(a)(1)(ii), without causing any of the situations described in paragraphs (a)(13)(i)(A) (*1*) through (*3*) to occur.

(*1*) Causing damage to equipment.

(*2*) Necessitating that the owner or operator make product that does not meet an existing specification for sale to a customer; or

(*3*) Necessitating that the owner or operator make product in excess of demand.

(B) Comply with the provisions in § 63.1313(b)(1), as allowed under § 63.1313(b).

(ii) If a batch process vent or aggregate batch vent stream is combined with a continuous process vent prior to the combined vent stream being routed to a recovery device, the TRE index value for the combined vent stream shall be calculated at the exit of the last recovery device. The TRE shall be calculated during periods when one or more batch emission episodes are occurring that result in the highest organic HAP emission rate (in the combined vent stream that is being routed to the recovery device) that is achievable during the 6-month period that begins 3 months before and ends 3 months after the TRE calculation, without causing any of the situations described in paragraphs (a)(13)(ii) (A) through (C) to occur.

(A) Causing damage to equipment.

(B) Necessitating that the owner or operator make product that does not meet an existing specification for sale to a customer; or

(C) Necessitating that the owner or operator make product in excess of demand.

(iii) If the combined vent stream described in paragraph (a)(10)(ii) of this section meets the requirements in paragraphs (a)(13)(iii)(A), (B), and (C) of this section, the combined vent stream shall be subject to the requirements for Group 1 process vents in §§ 63.113 through 63.118, except as otherwise provided in this section, as applicable. Performance tests for the combined vent stream shall be conducted at maximum operating conditions, as described in paragraph (a)(13)(i) of this section.

(A) The TRE index value of the combined stream is less than or equal to 1.0;

(B) The flow rate of the combined vent stream is greater than or equal to 0.005 standard cubic meter per minute; and

(C) The total organic HAP concentration is greater than or equal to 50 parts per million by volume for the combined vent stream.

(iv) If the combined vent stream described in paragraph (a)(10)(ii) of this section meets the requirements in paragraph (a)(13)(iv)(A), (B), or (C) of this section, the combined vent stream shall be subject to the requirements for Group 2 process vents in §§ 63.113 through 63.118, except as otherwise provided in this section, as applicable.

(A) The TRE index value of the combined vent stream is greater than 1.0;

(B) The flow rate of the combined vent stream is less than 0.005 standard cubic meter per minute; or

(C) The total organic HAP concentration is less than 50 parts per million by volume for the combined vent stream.

(v) If a batch process vent or aggregate batch vent stream is combined with a Group 2 continuous process vent, the owner or operator shall comply with the requirements in either paragraph (a)(13)(v)(A) or (a)(13)(v)(B) of this section.

(A) The owner or operator shall comply with the requirements in §§ 63.113 through 63.118 for Group 1 process vents; or

(B) The owner or operator shall comply with § 63.1322(e)(2) for batch process vents and aggregate batch vent streams.

(14) If any gas stream that originates outside of an affected source that is subject to this subpart is normally conducted through the same final recovery device as any continuous process vent stream subject to this subpart, the owner or operator of the affected source with the combined vent stream shall comply with all requirements in §§ 63.113 through 63.118 of subpart G of this part, except as otherwise noted in this section, as applicable.

(i) Instead of measuring the vent stream flow rate at the sampling site specified in § 63.115(b)(1), the sampling site for vent stream flow rate shall be prior to the final recovery device and prior to the point at which the gas stream that is not controlled under this subpart is introduced into the combined vent stream.

(ii) Instead of measuring total organic HAP or TOC concentrations at the sampling site specified in § 63.115(c)(1), the sampling site for total organic HAP or TOC concentration shall be prior to the final recovery device and prior to the point at which the gas stream that is not controlled under this subpart is introduced into the combined vent stream.

(iii) The efficiency of the final recovery device (determined according to paragraph (a)(14)(iv) of this section) shall be applied to the total organic HAP or TOC concentration measured at the sampling site described in paragraph (a)(14)(ii) of this section to determine the exit concentration. This exit concentration of total organic HAP or TOC shall then be used to perform the calculations outlined in § 63.115(d)(2)(iii) and § 63.115(d)(2)(iv), for the combined vent stream exiting the final recovery device.

(iv) The efficiency of the final recovery device is determined by measuring the total organic HAP or TOC concentration using Method 18 or 25A, 40 CFR part 60, appendix A, at the inlet to the final recovery device after the introduction of any gas stream that is not controlled under this subpart, and at the outlet of the final recovery device.

(15) When § 63.115(c)(3)(ii)(B) and (d)(2)(iv) and § 63.116(c)(3)(ii)(B) and (c)(4)(ii)(C) refer to Table 2 of subpart F of this part, the owner or operator is only required to consider organic HAP listed on Table 6 of this subpart for purposes of this subpart.

(16) The compliance date for continuous process vents subject to the provisions of this section is specified in § 63.1311.

(17) In § 63.116(a), instead of the reference to § 63.11(b), the requirements in § 63.1333(e) shall apply.

* * * * *

(b) Owners or operators of existing affected sources producing MBS shall comply with either paragraph (b)(1) or (b)(2) of this section.

(1) * * *

(ii) When complying with this paragraph (b), and the term ''TRE of 4.0'' is used, or related terms indicating a TRE index value of 4.0, referred to in

§§ 63.113 through 63.118, are used, the term ''TRE of 6.7'' shall apply instead, for the purposes of this subpart. The TRE range of 3.7 to 6.7 for continuous process vents at existing affected sources producing MBS corresponds to the TRE range of 1.0 to 4.0 for other continuous process vents, as it applies to monitoring, recordkeeping, and reporting.

* * * * *

(c) Owners or operators of new affected sources producing SAN using a batch process shall comply with the applicable requirements in § 63.1321.

(d) Affected sources producing PET or polystyrene using a continuous process are not subject to the provisions of this section and instead are subject to the emissions control provisions of § 63.1316, the monitoring provisions of § 63.1317, the testing and compliance demonstration provisions of § 63.1318, the recordkeeping provisions of § 63.1319, and the reporting provisions of § 63.1320. However, in some instances, as specified in § 63.1316, select continuous process vents present at affected sources producing PET or polystyrene using a continuous process are subject to the provisions of this section.

* * * * *

35. Section 63.1316 is amended by revising the section title and paragraphs (a), (b), (c) introductory text, (c)(1) introductory text, (c)(1)(i), (c)(1)(ii), (c)(1)(iii)(A), (c)(1)(iii)(C), and (c)(3), to read as follows:

§ 63.1316 PET and polystyrene affected sources—emissions control provisions.

(a) The owner or operator of an affected source producing PET using a continuous process shall comply with paragraph (b) of this section. The owner or operator of an affected source producing polystyrene using a continuous process shall comply with paragraph (c) of this section. As specified in paragraphs (b) and (c) of this section, owners or operators shall comply with § 63.1315 for certain continuous process vents and with § 63.1321 for all batch process vents. The owner or operator of an affected source producing PET using a batch process or producing polystyrene using a batch process shall comply with § 63.1315 for continuous process vents and with § 63.1321 for batch process vents, instead of the provisions of §§ 63.1316 through 63.1320.

(b) The owner or operator of an affected source producing PET using a continuous process shall comply with the requirements specified in paragraphs (b)(1) or (b)(2) of this section, as appropriate, and are not required to comply with the requirements specified in 40 CFR part 60, subpart DDD. Compliance can be based on either organic HAP or TOC.

(1) The owner or operator of an affected source producing PET using a continuous dimethyl terephthalate process shall comply with paragraphs (b)(1)(i) through (b)(1)(iv) of this section.

(i) The owner or operator of an existing affected source with organic HAP emissions greater than 0.12 kg organic HAP per Mg of product from continuous process vents in the collection of material recovery sections (i.e., methanol recovery) within the affected source shall comply with either paragraph (b)(1)(i)(A) or (b)(1)(i)(B) of this section. Emissions from continuous process vents in the collection of material recovery sections within the affected source shall be determined by the procedures specified in § 63.1318(b). The owner or operator of a new affected source shall comply with either paragraph (b)(1)(i)(A) or (b)(1)(i)(B) of this section.

(A) Organic HAP emissions from all continuous process vents in each individual material recovery section shall, as a whole, be no greater than 0.018 kg organic HAP per Mg of product from the associated TPPU(s); or alternatively, organic HAP emissions from all continuous process vents in the collection of material recovery sections within the affected source shall, as a whole, be no greater than 0.018 kg organic HAP per Mg product from all associated TPPU(s); or

(B) As specified in § 63.1318(d), the owner or operator shall maintain the daily average outlet gas stream temperature from each final condenser in a material recovery section at a temperature of +3°C (+37°F) or less (i.e., colder).

(ii) Organic HAP emissions from all continuous process vents in each individual polymerization reaction section (including emissions from any equipment used to further recover ethylene glycol, but excluding emissions from process contact cooling towers) shall, as a whole, be no greater than 0.02 kg organic HAP per Mg of product from the associated TPPU(s); or alternatively, organic HAP emissions from all continuous process vents in the collection of polymerization reaction sections within the affected source shall, as a whole, be no greater than 0.02 kg organic HAP per Mg product from all associated TPPU(s).

(iii) Continuous process vents not included in a material recovery section, as specified in paragraph (b)(1)(i) of this section, and not included in a polymerization reaction section, as specified in paragraph (b)(1)(ii) of this section, shall comply with § 63.1315.

(iv) Batch process vents shall comply with § 63.1321.

(2) The owner or operator of an affected source producing PET using a continuous terephthalic acid process shall comply with paragraphs (b)(2)(i) through (b)(2)(iv) of this section.

(i) Organic HAP emissions from all continuous process vents associated with the esterification vessels in each individual raw materials preparation section shall, as a whole, be no greater than 0.04 kg organic HAP per Mg of product from the associated TPPU(s); or alternatively, organic HAP emissions from all continuous process vents associated with the esterification vessels in the collection of raw material preparation sections within the affected source shall, as a whole, be no greater than 0.04 kg organic HAP per Mg of product from all associated TPPU(s). Other continuous process vents (i.e., those not associated with the esterification vessels) in the collection of raw materials preparation sections within the affected source shall comply with § 63.1315.

(ii) Organic HAP emissions from all continuous process vents in each individual polymerization reaction section (including emissions from any equipment used to further recover ethylene glycol, but excluding emissions from process contact cooling towers) shall, as a whole, be no greater than 0.02 kg organic HAP per Mg of product from the associated TPPU(s); or alternatively, organic HAP emissions from all continuous process vents in the collection of polymerization reaction sections within the affected source shall, as a whole, be no greater than 0.02 kg organic HAP per Mg of product from all associated TPPU(s).

(iii) Continuous process vents not included in a raw materials preparation section, as specified in paragraph (b)(2)(i) of this section, and not included in a polymerization reaction section, as specified in paragraph (b)(2)(ii) of this section, shall comply with § 63.1315.

(iv) Batch process vents shall comply with § 63.1321.

(c) The owner or operator of an affected source producing polystyrene resin using a continuous process shall comply with the requirements specified in paragraphs (c)(1) through (c)(3) of this section, as appropriate, instead of the requirements specified in 40 CFR part 60, subpart DDD. Compliance can be based on either organic HAP or TOC.

(1) Limit organic HAP emissions from continuous process vents in the collection of material recovery sections within the affected source by complying

with either paragraph (c)(1)(i), (c)(1)(ii), or (c)(1)(iii) of this section.

(i) Organic HAP emissions from all continuous process vents in each individual material recovery section shall, as a whole, be no greater than 0.0036 kg organic HAP per Mg of product from the associated TPPU(s); or alternatively, organic HAP emissions from all continuous process vents in the collection of material recovery sections within the affected source shall, as a whole, be no greater than 0.0036 kg organic HAP per Mg of product from all associated TPPU(s);

(ii) As specified in § 63.1318(d), the owner or operator shall maintain the daily average outlet gas stream temperature from each final condenser in a material recovery section at a temperature of −25°C (−13°F) or less (i.e., colder); or

(iii) * * *

(A) Reduce the emissions in a combustion device to achieve 98 weight percent reduction or to achieve a concentration of 20 parts per million by volume (ppmv) on a dry basis, whichever is less stringent. If an owner or operator elects to comply with the 20 ppmv standard, the concentration shall include a correction to 3 percent oxygen only when supplemental combustion air is used to combust the emissions;

* * * * *

(C) Combust the emissions in a flare that complies with the requirements of § 63.1333(e).

* * * * *

(3) Batch process vents shall comply with § 63.1321.

36. Section 63.1317 is revised (including the section title) to read as follows:

§ 63.1317 PET and polystyrene affected sources—monitoring provisions.

Continuous process vents using a control or recovery device to comply with § 63.1316 shall comply with the applicable monitoring provisions specified for continuous process vents in § 63.1315(a), except that references to group determinations (i.e., total resource effectiveness) do not apply and owners or operators are not required to comply with § 63.113.

37. Section 63.1318 is amended by revising the section title and paragraphs (a), (b) introductory text, (b)(1)(i) introductory text, (c), and (d), to read as follows:

§ 63.1318 PET and polystyrene affected sources—testing and compliance demonstration provisions.

(a) Except as specified in paragraphs (b) through (d) of this section, continuous process vents using a control or recovery device to comply with § 63.1316 shall comply with the applicable testing and compliance provisions for continuous process vents specified in § 63.1315, except that, for the purposes of this paragraph (a), references to group determinations (i.e., total resource effectiveness) do not apply and owners or operators are not required to comply with § 63.113.

(b) *PET affected sources using a dimethyl terephthalate process—applicability determination procedure.* Owners or operators shall calculate organic HAP emissions from the collection of material recovery sections at an existing affected source producing PET using a continuous dimethyl terephthalate process to determine whether § 63.1316(b)(1)(i) is applicable using the procedures specified in either paragraph (b)(1) or (b)(2) of this section.

(1) * * *

(i) The mass emission rate for each continuous process vent, E_i, shall be determined according to the procedures specified in § 63.116(c)(4). The sampling site for determining whether § 63.1316(b)(1)(i) is applicable shall be at the outlet of the last recovery or control device. When the provisions of § 63.116(c)(4) specify that Method 18, 40 CFR part 60, appendix A shall be used, Method 18 or Method 25A, 40 CFR part 60, appendix A may be used for the purposes of this subpart. The use of Method 25A, 40 CFR part 60, appendix A shall comply with paragraphs (b)(1)(i)(A) and (b)(1)(i)(B) of this section.

* * * * *

(c) *Compliance with mass emissions per mass product standards.* Owners or operators complying with § 63.1316(b)(1)(i)(A), (b)(1)(ii), (b)(2)(i), (b)(2)(ii), and (c)(1)(i) shall demonstrate compliance with the mass emissions per mass product requirements using the procedures specified in paragraph (b)(1) of this section.

(d) *Compliance with temperature limits for final condensers.* Owners or operators complying with § 63.1316(b)(1)(i)(B) or § 63.1316(c)(1)(ii) shall demonstrate continuous compliance based on an average exit temperature determined for each operating day. Calculation of the daily average exit temperature shall follow the provisions of § 63.1335(d)(3). The provisions of § 63.1334 (f) and (g) shall apply for the purposes of determining whether or not an owner or operator is to be deemed out of compliance for a given operating day.

38. Section 63.1319 is amended by revising the section title and paragraphs (a), (b) introductory text, (b)(2), and (c), to read as follows:

§ 63.1319 PET and polystyrene affected sources—recordkeeping provisions.

(a) Except as specified in paragraphs (b) and (c) of this section, owners or operators using a control or recovery device to comply with § 63.1316 shall comply with the applicable recordkeeping provisions specified in § 63.1315, except that, for the purposes of this paragraph (a), references to group determinations (i.e., total resource effectiveness) do not apply, and owners or operators are not required to comply with § 63.113.

(b) *Records demonstrating compliance with the applicability determination procedure for PET affected sources using a dimethyl terephthalate process.* Owners or operators complying with § 63.1316(b)(1)(i) by demonstrating that mass emissions per mass product are less than or equal to the level specified in § 63.1316(b)(1)(i) (i.e., 0.12 kg organic HAP per Mg of product) shall keep the following records.

* * * * *

(2) Records of any change in process operation that increases the mass emissions per mass product.

(c) *Records demonstrating compliance with temperature limits for final condensers.* Owners or operators of continuous process vents complying with § 63.1316(b)(1)(i)(B) or § 63.1316(c)(1)(ii) shall keep records of the daily averages required by § 63.1318, per the recordkeeping provisions specified in § 63.1335(d).

39. Section 63.1320 is amended by revising the section title and paragraphs (a) and (b); and removing and reserving paragraph (c), to read as follows:

§ 63.1320 PET and polystyrene affected sources—reporting provisions.

(a) Except as specified in paragraph (b) of this section, owners and operators using a control or recovery device to comply with § 63.1316 shall comply with the applicable reporting provisions specified in § 63.1315, except that, for the purposes of this paragraph (a), references to group determinations (i.e., total resource effectiveness) do not apply, and owners or operators are not required to comply with § 63.113.

(b) *Reporting for PET affected sources using a dimethyl terephthalate process.* Owners or operators complying with § 63.1316 by demonstrating that mass emissions per mass product are less than or equal to the level specified in § 63.1316(b)(1)(i) (i.e., 0.12 kg organic HAP per Mg of product) shall comply with paragraphs (b)(1) through (b)(3) of this section.

(1) Include the information specified in § 63.1319(b)(2) in each Periodic

Report, required by § 63.1335(e)(6), as appropriate.

(2) Include the information specified in § 63.1319(b)(1) in the Notification of Compliance Status, required by § 63.1335(e)(5).

(3) Whenever a process change, as defined in § 63.115(e), is made that causes emissions from continuous process vents in the collection of material recovery sections (i.e., methanol recovery) within the affected source to be greater than 0.12 kg organic HAP per Mg of product, the owner or operator shall submit a report within 180 days after the process change is made or the information regarding the process change is known to the owner or operator. This report may be included in the next Periodic Report as specified in § 63.1335(e)(6)(iii)(D)(*2*). The report shall include the information specified in § 63.1319(b)(1) and a description of the process change.

(c) [Reserved.]

* * * * *

40. Section 63.1321 is amended by revising paragraphs (a) and (c), to read as follows:

§ 63.1321 Batch process vents provisions.

(a) *Batch process vents.* Except as specified in paragraphs (b) through (d) of this section, owners and operators of new and existing affected sources with batch process vents shall comply with the requirements in §§ 63.1322 through 63.1327. The batch process vent group status shall be determined in accordance with § 63.1323. Owners or operators of batch process vents classified as Group 1 shall comply with the reference control technology requirements for Group 1 batch process vents in § 63.1322, the monitoring requirements in § 63.1324, the performance test methods and procedures to determine compliance in § 63.1325, the recordkeeping requirements in § 63.1326, and the reporting requirements in § 63.1327. Owners or operators of all Group 2 batch process vents shall comply with the applicable reference control technology requirements in § 63.1322, the applicable recordkeeping requirements in § 63.1326, and the applicable reporting requirements in § 63.1327.

* * * * *

(c) *Aggregate batch vent streams.* Aggregate batch vent streams, as defined in § 63.1312, are subject to the control requirements specified in § 63.1322(b), as well as the monitoring, testing, recordkeeping, and reporting requirements specified in §§ 63.1324 through 63.1327 for aggregate batch vent streams.

* * * * *

41. Section 63.1322 is amended by revising paragraphs (a) introductory text, (a)(1)(i), (b) introductory text, (b)(1)(i), (b)(2), (c)(1), (c)(2), (e), (f), and (g); and adding paragraph (h), to read as follows:

§ 63.1322 Batch process vents—reference control technology.

(a) *Batch process vents.* The owner or operator of a Group 1 batch process vent, as determined using the procedures in § 63.1323, shall comply with the requirements of either paragraph (a)(1) or (a)(2) of this section, except as provided for in paragraph (a)(3) of this section. Compliance may be based on either organic HAP or TOC.

(1) * * *

(i) The owner or operator shall comply with the requirements of § 63.1333(e) for the flare.

* * * * *

(b) *Aggregate batch vent streams.* The owner or operator of an aggregate batch vent stream that contains one or more Group 1 batch process vents shall comply with the requirements of either paragraph (b)(1) or (b)(2) of this section, except as provided for in paragraph (b)(3) of this section. Compliance may be based on either organic HAP or TOC.

(1) * * *

(i) The owner or operator shall comply with the requirements of § 63.1333(e) for the flare.

* * * * *

(2) For each aggregate batch vent stream, reduce organic HAP emissions by 90 weight percent or to a concentration of 20 parts per million by volume, whichever is less stringent, on a continuous basis using a control device. For combustion devices, the emission reduction or concentration shall be calculated on a dry basis, corrected to 3 percent oxygen.

* * * * *

(c) * * *

(1) If a combustion device is used to comply with paragraph (a)(2), (a)(3), (b)(2), or (b)(3) of this section for a halogenated batch process vent, halogenated aggregate batch vent stream, or halogenated continuous process vent, said emissions exiting the combustion device shall be ducted to a halogen reduction device that reduces overall emissions of hydrogen halides and halogens by at least 99 percent before discharge to the atmosphere.

(2) A halogen reduction device may be used to reduce the halogen atom mass emission rate of said emissions to less than 3,750 kg/yr for batch process vents or aggregate batch vent streams and to less than 0.45 kilograms per hour for continuous process vents prior to venting to any combustion control device, and thus make the batch process vent, aggregate batch vent stream, or continuous process vent nonhalogenated. The nonhalogenated batch process vent, aggregate batch vent stream, or continuous process vent shall then comply with the requirements of either paragraph (a) or (b) of this section, as appropriate.

* * * * *

(e) *Combination of batch process vents or aggregate batch vent streams with continuous process vents.* If a batch process vent or aggregate batch vent stream is combined with a continuous process vent, the owner or operator shall determine whether the combined vent stream is subject to the provisions of §§ 63.1321 through 63.1327 according to paragraphs (e)(1) and (e)(2) of this section.

(1) A batch process vent or aggregate batch vent stream combined with a continuous process vent is not subject to the provisions of §§ 63.1321 through 63.1327, if the requirements in paragraph (e)(1)(i) and in either paragraph (e)(1)(ii) or (e)(1)(iii) are met.

(i) The only emissions to the atmosphere from the batch process vent or aggregate batch vent stream prior to being combined with the continuous process vent are from equipment subject to § 63.1331.

(ii) The batch process vent or aggregate batch vent stream is combined with a Group 1 continuous process vent prior to the combined vent stream being routed to a control device. In this paragraph (e)(1)(ii), the definition of control device as it relates to continuous process vents shall be used. Furthermore, the combined vent stream discussed in this paragraph (e)(1)(ii) shall be subject to § 63.1315(a)(13)(i).

(iii) The batch process vent or aggregate batch vent stream is combined with a continuous process vent prior to being routed to a recovery device. In this paragraph (e)(1)(iii), the definition of recovery device as it relates to continuous process vents shall be used. Furthermore, the combined vent stream discussed in this paragraph (e)(1)(iii) shall be subject to § 63.1315(a)(13)(ii).

(2) If the batch process vent or aggregate batch vent stream is combined with a Group 2 continuous process vent, the group status of the batch process vent shall be determined prior to its combination with the Group 2 continuous process vent, in accordance with § 63.1323, and the combined vent stream shall be subject to the

requirements for aggregate batch vent streams in §§ 63.1321 through 63.1327.

(f) *Group 2 batch process vents with annual emissions greater than or equal to the level specified in § 63.1323(d).* The owner or operator of a Group 2 batch process vent with annual emissions greater than or equal to the level specified in § 63.1323(d) shall comply with the provisions of paragraph (f)(1), (f)(2), or (h) of this section.

(1) The owner or operator of an affected source shall comply with the requirements in paragraphs (f)(1)(i) through (f)(1)(iv) of this section.

(i) The owner or operator shall establish a batch mass input limitation that ensures the Group 2 batch process vent does not become a Group 1 batch process vent.

(ii) Over the course of the affected source's ''year,'' as reported in the Notification of Compliance Status in accordance with § 63.1335(e)(5)(iv), the owner or operator shall not charge a mass of HAP or material to the batch unit operation that is greater than the level established as the batch mass input limitation.

(iii)The owner or operator shall comply with the recordkeeping requirements in § 63.1326(d)(2), and the reporting requirements in § 63.1327(a)(3), (b), and (c).

(iv) The owner or operator shall comply with § 63.1323(i) when process changes are made.

(2) Comply with the requirements of this subpart for Group 1 batch process vents.

(g) *Group 2 batch process vents with annual emissions less than the level specified in § 63.1323(d).* The owner or operator of a Group 2 batch process vent with annual emissions less than the level specified in § 63.1323(d) shall comply with paragraphs (g)(1), (g)(2), (g)(3), or (g)(4) of this section.

(1) The owner or operator of the affected source shall comply with the requirements in paragraphs (g)(1)(i) through (g)(1)(iv) of this section.

(i) The owner or operator shall establish a batch mass input limitation that ensures emissions do not exceed the level specified in § 63.1323(d).

(ii) Over the course of the affected source's ''year,'' as reported in the Notification of Compliance Status in accordance with § 63.1335(e)(5)(iv), the owner or operator shall not charge a mass of HAP or material to the batch unit operation that is greater than the level established as the batch mass input limitation.

(iii) The owner or operator shall comply with the recordkeeping requirements in § 63.1326(d)(1), and the reporting requirements in § 63.1327(a)(2), (b), and (c).

(iv) The owner or operator of the affected source shall comply with § 63.1323(i) when process changes are made.

(2) Comply with the requirements of paragraph (f)(1) of this section;

(3) Comply with the requirements of paragraph (f)(2) of this section; or

(4) Comply with the requirements of paragraph (h) of this section.

(h) Owners or operators of Group 2 batch process vents are not required to establish a batch mass input limitation if the batch process vent is Group 2 at the conditions specified in paragraphs (h)(1) and (h)(2) of this section and if the owner or operator complies with the recordkeeping provisions in §§ 63.1326(a)(1) through (3), 63.1326(a)(9), and 63.1326(a)(4) through (6) as applicable, and the reporting requirements in § 63.1327(a)(5), (a)(6), and (b).

(1) Emissions for the single highest-HAP recipe (considering all products that are produced in the batch unit operation) are used in the group determination; and

(2) The group determination assumes that the batch unit operation is operating at the maximum design capacity of the TPPU for 12 months.

42. Section 63.1323 is amended by:

a. Revising paragraphs (a)(1), (b) introductory text, (b)(1), (b)(2), (b)(4)(i)(A) through (b)(4)(i)(C), (b)(4)(ii)(B)(*1*), (b)(5) introductory text, (b)(5)(ii), (b)(5)(iii) introductory text, (b)(5)(iv), (b)(5)(v) introductory text, (b)(5)(v)(A), (b)(6), (d), (e) introductory text, (e)(1) introductory text, (e)(1)(i), (e)(1)(iii), (e)(2), (e)(3), (g), (h)(1)(iii), (h)(2), (i), (j) introductory text and (j)(3); and

b. Adding paragraph (b)(9), to read as follows:

§ 63.1323 Batch process vents—methods and procedures for group determination.

(a) * * *

(1) The procedures specified in paragraphs (b) through (g) of this section shall be followed to determine the group status of each batch process vent. This determination shall be made in accordance with either paragraph (a)(1)(i) or (a)(1)(ii) of this section.

(i) An owner or operator may choose to determine the group status of a batch process vent based on the expected mix of products. For each product, emission characteristics of the single highest-HAP recipe, as defined in paragraph (a)(1)(iii) of this section, for that product shall be used in the procedures in paragraphs (b) through (i) of this section.

(ii) An owner or operator may choose to determine the group status of a batch process vent based on annualized production of the single highest-HAP recipe, as defined in paragraph (a)(1)(iii) of this section, considering all products produced or processed in the batch unit operation. The annualized production of the highest-HAP recipe shall be based exclusively on the production of the single highest-HAP recipe of all products produced or processed in the batch unit operation for a 12 month period. The production level used may be the actual production rate. It is not necessary to assume a maximum production rate (i.e., 8,760 hours per year at maximum design production).

(iii) The single highest-HAP recipe for a product means the recipe of the product with the highest total mass of HAP charged to the reactor during the production of a single batch of product.

* * * * *

(b) *Determination of annual emissions.* The owner or operator shall calculate annual uncontrolled TOC or organic HAP emissions for each batch process vent using the methods described in paragraphs (b)(1) through (b)(8) of this section. To estimate emissions from a batch emissions episode, owners or operators may use either the emissions estimation equations in paragraphs (b)(1) through (b)(4) of this section, or direct measurement as specified in paragraph (b)(5) of this section. Engineering assessment may be used to estimate emissions from a batch emission episode only under the conditions described in paragraph (b)(6) of this section. In using the emissions estimation equations in paragraphs (b)(1) through (b)(4) of this section, individual component vapor pressure and molecular weight may be obtained from standard references. Methods to determine individual HAP partial pressures in multicomponent systems are described in paragraph (b)(9) of this section. Other variables in the emissions estimation equations may be obtained through direct measurement, as defined in paragraph (b)(5) of this section, through engineering assessment, as defined in paragraph (b)(6)(ii) of this section, by process knowledge, or by any other appropriate means. Assumptions used in determining these variables must be documented. Once emissions for the batch emission episode have been determined using either the emissions estimation equations, direct measurement, or engineering assessment, emissions from a batch cycle shall be calculated in accordance with paragraph (b)(7) of this section, and annual emissions from the batch process vent shall be calculated in

accordance with paragraph (b)(8) of this section.

(1) TOC or organic HAP emissions from the purging of an empty vessel shall be calculated using Equation 2 of this subpart. Equation 2 of this subpart does not take into account evaporation of any residual liquid in the vessel.

where:

$E_{episode}$ = Emissions, kg/episode.

V_{ves} = Volume of vessel, m^3.

$$E_{episode} = \frac{(V_{ves})(P)(MW_{wavg})}{RT}\left(1 - 0.37^{m}\right) \qquad \text{[Eq. 2]}$$

P = TOC or total organic HAP partial pressure, kPa.

MW_{wavg} = Weighted average molecular weight of TOC or organic HAP in vapor, determined in accordance with paragraph (b)(4)(i)(D) of this section, kg/kmol.

R = Ideal gas constant, 8.314 m^3•kPa/kmol•K.

T = Temperature of vessel vapor space, K.

m = Number of volumes of purge gas used.

(2) TOC or organic HAP emissions from the purging of a filled vessel shall be calculated using Equation 3 of this subpart.

Where:

$$E_{episode} = \frac{(y)(V_{dr})(P^2)(MW_{wavg})}{RT(P - \sum_{i=1}^{n} P_i x_i}(T_m) \qquad \text{[Eq. 3]}$$

$E_{episode}$ = Emissions, kg/episode.

y = Saturated mole fraction of all TOC or organic HAP in vapor phase.

V_{dr} = Volumetric gas displacement rate, m^3/min.

P = Pressure in vessel vapor space, kPa.

MW_{wavg} = Weighted average molecular weight of TOC or organic HAP in vapor, determined in accordance with paragraph (b)(4)(i)(D) of this section, kg/kmol.

R = Ideal gas constant, 8.314 m^3•kPa/kmol•K.

T = Temperature of vessel vapor space, K.

P_i = Vapor pressure of TOC or individual organic HAP i, kPa.

x_i = Mole fraction of TOC or organic HAP i in the liquid.

$$E_{episode} = \left[\frac{\dfrac{\sum_{i=1}^{n}(P_i)_{T1}}{101.325 - \sum_{i=1}^{n}(P_i)_{T1}} + \dfrac{\sum_{i=1}^{n}(P_i)_{T2}}{101.325 - \sum_{i=1}^{n}(P_i)_{T2}}}{2}\right] * (\Delta\eta)\left(MW_{wavg,\,T1} + MW_{wavg,\,T2}\right)/2 \qquad \text{[Eq. 5]}$$

n = Number of organic HAP in stream. Note: Summation not applicable if TOC emissions are being estimated.

T_m = Minutes/episode.

* * * * *

(4) * * *

(i) * * *

(A) Emissions caused by heating of a vessel shall be calculated using Equation 5 of this subpart. The assumptions made for this calculation are atmospheric pressure of 760 millimeters of mercury (mm Hg) and the displaced gas is always saturated with volatile organic compounds (VOC) vapor in equilibrium with the liquid mixture.

Where:

$E_{episode}$ = Emissions, kg/episode.

$(P_i)T1$, $(P_i)T^2$ = Partial pressure (kPa) of TOC or each organic HAP i in the vessel headspace at initial (T1) and final (T2) temperature.

n = Number of organic HAP in stream. Note: Summation not applicable if TOC emissions are being estimated.

Δη = Number of kilogram-moles (kg-moles) of gas displaced, determined in accordance with paragraph (b)(4)(i)(B) of this section.

101.325 = Constant, kPa.

$(MW_{WAVG,T1})$, $(MW_{WAVG,}T2)$ = Weighted average molecular weight of TOC or total organic HAP in the displaced gas stream, determined in accordance with paragraph (b)(4)(i)(D) of this section, kg/kmol.

(B) The moles of gas displaced, Δη, is calculated using Equation 6 of this subpart.

where:

Δη = Number of kg-moles of gas displaced.

V_{fs} = Volume of free space in the vessel, m_3.

R = Ideal gas constant, 8.314 m^3•kPa/kmol•K.

$$\Delta\eta = \frac{V_{fs}}{R}\left[\left(\frac{Pa_1}{T_1}\right) - \left(\frac{Pa_2}{T_2}\right)\right] \qquad \text{[Eq. 6]}$$

Pa_1 = Initial noncondensible gas partial pressure in the vessel, kPa.

Pa_2 = Final noncondensible gas partial pressure, kPa.

T_1 = Initial temperature of vessel, K.

T_2 = Final temperature of vessel, K.

(C) The initial and final pressure of the noncondensible gas in the vessel shall be calculated using Equation 7 of this subpart.

where:

Pa = Initial or final partial pressure of noncondensible gas in the vessel headspace, kPa.

101.325 = Constant, kPa.

$(P_i)T$ = Partial pressure of TOC or each organic HAP i in the vessel headspace, kPa, at the initial or final temperature (T1 or T2).

n = Number of organic HAP in stream. Note: Summation not applicable if TOC emissions are being estimated.

* * * * *

(ii) * * *

(B) * * *

(*1*) If the final temperature of the heatup is at or lower than 5 K below the boiling point, the final temperature for the last increment shall be the final temperature for the heatup, even if the last increment is less than 5 K.

* * * * *

(5) The owner or operator may estimate annual emissions for a batch emission episode by direct measurement. If direct measurement is used, the owner or operator shall either perform a test for the duration of a representative batch emission episode or perform a test during only those periods of the batch emission episode for which the emission rate for the entire episode can be determined or for which the emissions are greater than the average emission rate of the batch emission episode. The owner or operator choosing either of these options shall develop an emission profile for the entire batch emission episode, based on either process knowledge or test data collected, to demonstrate that test periods are representative. Examples of information that could constitute process knowledge include calculations based on material balances and process stoichiometry. Previous test results may be used provided the results are still relevant to the current batch process vent conditions. Performance tests shall follow the procedures specified in paragraphs (b)(5)(i) through (b)(5)(iii) of this section. The procedures in either paragraph (b)(5)(iv) or (b)(5)(v) of this section shall be used to calculate the emissions per batch emission episode.

* * * * *

(ii) Annual average batch vent flow rate shall be determined as specified in paragraph (e) of this section.

(iii) Method 18 or Method 25A, 40 CFR part 60, appendix A, shall be used to determine the concentration of TOC or organic HAP, as appropriate. Alternatively, any other method or data that has been validated according to the applicable procedures in Method 301 of appendix A of this part may be used. The use of Method 25A, 40 CFR part 60, appendix A shall conform with the requirements in paragraphs (b)(5)(iii)(A) and (b)(5)(iii)(B) of this section.

* * * * *

(iv) If an integrated sample is taken over the entire batch emission episode to determine the average batch vent concentration of TOC or total organic HAP, emissions shall be calculated using Equation 9 of this subpart.

where:

$$E_{episode} = K\left[\sum_{j=1}^{n}\left(C_j\right)\left(M_j\right)\right]AFR\left(T_h\right) \qquad \text{[Eq. 9]}$$

$E_{episode}$ = Emissions, kg/episode.

K = Constant, 2.494×10^{-6} $(ppmv)^{-1}$ (gm-mole/scm) (kg/gm) (min/hr), where standard temperature is 20 °C.

C_j = Average batch vent concentration of TOC or sample organic HAP component j of the gas stream, dry basis, ppmv.

M_j = Molecular weight of TOC or sample organic HAP component j of the gas stream, gm/gm-mole.

AFR = Average batch vent flow rate of gas stream, dry basis, scmm.

T_h = Hours/episode

n = Number of organic HAP in stream. Note: Summation not applicable if TOC emissions are being estimated using a TOC concentration measured using Method 25A, 40 CFR part 60, appendix A.

$$E_{point} = K\left[\sum_{j=1}^{n} C_j M_j\right]FR \qquad \text{[Eq. 10]}$$

(v) If grab samples are taken to determine the average batch vent concentration of TOC or total organic HAP, emissions shall be calculated according to paragraphs (b)(5)(v)(A) and (b)(5)(v)(B) of this section.

(A) For each measurement point, the emission rate shall be calculated using Equation 10 of this subpart.

Where:

E_{point} = Emission rate for individual measurement point, kg/hr.

K = Constant, 2.494×10^{-6} $(ppmv)^{-1}$ (gm-mole/scm) (kg/gm) (min/hr), where standard temperature is 20 °C.

C_j = Concentration of TOC or sample organic HAP component j of the gas stream, dry basis, ppmv.

M_j = Molecular weight of TOC or sample organic HAP component j of the gas stream, gm/gm-mole.

FR = Flow rate of gas stream for the measurement point, dry basis, scmm.

n = Number of organic HAP in stream. Note: Summation not applicable if TOC emissions are being estimated using a TOC concentration measured using Method 25A, 40 CFR part 60, appendix A.

* * * * *

(6) Engineering assessment may be used to estimate emissions from a batch emission episode, if the criteria in paragraph (b)(6)(i) are met. Data or other information used to demonstrate that the criteria in paragraph (b)(6)(i) of this section have been met shall be reported as specified in paragraph (b)(6)(iii) of this section. Paragraph (b)(6)(ii) of this section defines engineering assessment, for the purposes of estimating emissions from a batch emissions episode. All data, assumptions, and procedures used in an engineering assessment shall be documented.

(i) If the criteria specified in paragraph (b)(6)(i)(A), (B), or (C) are met for a specific batch emission episode, the owner or operator may use engineering assessment, as described in paragraph (b)(6)(ii) of this section, to estimate emissions from that batch emission episode, and the owner or operator is not required to use the emissions estimation equations described in paragraphs (b)(1) through (b)(4) of this section to estimate emissions from that batch emission episode.

(A) Previous test data, where the measurement of organic HAP or TOC emissions was an outcome of the test, show a greater than 20 percent discrepancy between the test value and the value estimated using the applicable equations in paragraphs (b)(1) through (b)(4) of this section. Paragraphs (b)(6)(i)(A)(*1*) and (*2*) of this section describe test data that will be acceptable under this paragraph (b)(6)(i)(A).

(*1*) Test data for the batch emission episode obtained during production of the product for which the demonstration is being made.

(*2*) Test data obtained for a batch emission episode from another process train, where the test data were obtained during production of the product for which the demonstration is being made. Test data from another process train may be used only if the owner or operator can demonstrate that the data are representative of the batch emission episode for which the demonstration is being made, taking into account the nature, size, operating conditions, production rate, and sequence of process steps (e.g., reaction, distillation, etc.) of the equipment in the other process train.

(B) Previous test data obtained during the production of the product for which the demonstration is being made, for the batch emission episode with the highest organic HAP emissions on a mass basis, show a greater than 20 percent discrepancy between the test value and the value estimated using the applicable equations in paragraphs (b)(1) through (b)(4) of this section. If the criteria in this paragraph (b)(6)(i)(B) are met, then engineering assessment may be used for all batch emission episodes associated with that batch cycle for the batch unit operation.

(C) The owner or operator has requested and been granted approval to use engineering assessment to estimate emissions from a batch emissions episode. The request to use engineering assessment to estimate emissions from a batch emissions episode shall contain sufficient information and data to demonstrate to the Administrator that engineering assessment is an accurate means of estimating emissions for that particular batch emissions episode. The request to use engineering assessment to estimate emissions for a batch emissions episode shall be submitted in the Precompliance Report required under § 63.506(e)(3).

(ii) Engineering assessment includes, but is not limited to, the following:

(A) Previous test results, provided the tests are representative of current operating practices;

(B) Bench-scale or pilot-scale test data obtained under conditions representative of current process operating conditions;

(C) Flow rate, TOC emission rate, or organic HAP emission rate specified or implied within a permit limit applicable to the batch process vent; and

(D) Design analysis based on accepted chemical engineering principles, measurable process parameters, or physical or chemical laws or properties. Examples of analytical methods include, but are not limited to:

(*1*) Use of material balances;

(*2*) Estimation of flow rate based on physical equipment design such as pump or blower capacities;

(*3*) Estimation of TOC or organic HAP concentrations based on saturation conditions; and

(*4*) Estimation of TOC or organic HAP concentrations based on grab samples of the liquid or vapor.

(iii) Data or other information used to demonstrate that the criteria in paragraph (b)(6)(i) of this section have been met shall be reported as specified in paragraphs (b)(6)(iii)(A) and (b)(6)(iii)(B) of this section.

(A) Data or other information used to demonstrate that the criteria in paragraph (b)(6)(i)(A) or (b)(6)(i)(B) of this section have been met shall be reported in the Notification of Compliance Status, as required in § 63.1327(a)(8).

(B) The request for approval to use engineering assessment to estimate emissions from a batch emissions episode as allowed under paragraph (b)(6)(i)(C) of this section, and sufficient data or other information for demonstrating to the Administrator that engineering assessment is an accurate means of estimating emissions for that particular batch emissions episode shall be submitted with the Precompliance Report, as required in § 63.1335(e)(3).

* * * * *

(9) Individual HAP partial pressures in multicomponent systems shall be determined using the appropriate method specified in paragraphs (b)(9)(i) through (b)(9)(iii) of this section.

(i) If the components are miscible, use Raoult's law to calculate the partial pressures;

(ii) If the solution is a dilute aqueous mixture, use Henry's law constants to calculate partial pressures;

(iii) If Raoult's law or Henry's law are not appropriate or available, the owner or operator may use any of the options in paragraphs (b)(9)(iii)(A), (B), or (C) of this section.

(A) Experimentally obtained activity coefficients, Henry's law constants, or solubility data;

(B) Models, such as group-contribution models, to predict activity coefficients; or

(C) Assume the components of the system behave independently and use the summation of all vapor pressures from the HAPs as the total HAP partial pressure.

* * * * *

(d) *Minimum emission level exemption.* A batch process vent with annual emissions of TOC or organic HAP less than 11,800 kg/yr is considered a Group 2 batch process vent and the owner or operator of said batch process vent shall comply with the requirements in § 63.1322(f) or (g). Annual emissions of TOC or organic HAP are determined at the exit of the batch unit operation, as described in paragraph (a)(2) of this section, and are determined as specified in paragraph (b) of this section. The owner or operator of said batch process vent is not required to comply with the provisions in paragraphs (e) through (g) of this section.

(e) *Determination of average batch vent flow rate and annual average batch vent flow rate.* The owner or operator shall determine the average batch vent flow rate for each batch emission episode in accordance with one of the procedures provided in paragraphs (e)(1) through (e)(2) of this section. The annual average batch vent flow rate for a batch process vent shall be calculated as specified in paragraph (e)(3) of this section.

(1) Determination of the average batch vent flow rate for a batch emission episode by direct measurement shall be made using the procedures specified in paragraphs (e)(1)(i) through (e)(1)(iii) of this section.

(i) The volumetric flow rate (FR_i) for a batch emission episode, in standard cubic meters per minute (scmm) at 20°C, shall be determined using Method 2, 2A, 2C, or 2D, 40 CFR part 60, appendix A, as appropriate.

* * * * *

(iii) The average batch vent flow rate for a batch emission episode shall be calculated using Equation 14 of this subpart.

$$AFR_{episode} = \frac{\sum_{i=1}^{n} FR_i}{n} \qquad \text{[Eq. 14]}$$

Where:

$AFR_{episode}$ = Average batch vent flow rate for the batch emission episode, scmm.

FR_i = Flow rate for individual measurement i, scmm.

n = Number of flow rate measurements taken during the batch emission episode.

(2) The average batch vent flow rate for a batch emission episode may be determined by engineering assessment, as defined in paragraph (b)(6)(i) of this section. All data, assumptions, and procedures used shall be documented.

(3) The annual average batch vent flow rate for a batch process vent shall

be calculated using Equation 15 of this subpart.

$$AFR = \frac{\sum_{i=1}^{n}(DUR_i)(AFR_{episode,\,i})}{\sum_{i=1}^{n}(DUR_i)} \qquad \text{[Eq. 15]}$$

Where:

AFR = Annual average batch vent flow rate for the batch process vent, scmm.

DUR_i = Duration of type i batch emission episodes annually, hrs/yr.

$AFR_{episode,i}$ = Average batch vent flow rate for type i batch emission episode, scmm.

n = Number of types of batch emission episodes venting from the batch process vent.

* * * * *

(g) *Group 1/Group 2 status determination.* The owner or operator shall compare the cutoff flow rate, calculated in accordance with paragraph (f) of this section, with the annual average batch vent flow rate, determined in accordance with paragraph (e)(3) of this section. The group determination status for each batch process vent shall be made using the criteria specified in paragraphs (g)(1) and (g)(2) of this section.

(1) If the cutoff flow rate is greater than or equal to the annual average batch vent flow rate of the stream, the batch process vent is classified as a Group 1 batch process vent.

(2) If the cutoff flow rate is less than the annual average batch vent flow rate of the stream, the batch process vent is classified as a Group 2 batch process vent.

(h) * * *

(1) * * *

(iii) Average concentration of organic compounds containing halogens and hydrogen halides as measured by Method 26 or 26A, 40 CFR part 60, appendix A.

* * * * *

(2) The annual mass emissions of halogen atoms for a batch process vent shall be calculated using Equation 17 of this subpart.

$$E_{halogen} = K\left[\sum_{j=1}^{n}\sum_{i=1}^{m}\left(C_{avg_j}\right)\left(L_{j,\,i}\right)\left(M_{j,\,i}\right)\right]AFR \qquad \text{[Eq. 17]}$$

Where:

$E_{halogen}$ = Mass of halogen atoms, dry basis, kg/yr.

K = Constant, 0.022 $(ppmv)^{-1}$ (kg-mole per scm) (minute/yr), where standard temperature is 20 °C.

AFR = Annual average batch vent flow rate of the batch process vent, determined according to paragraph (e) of this section, scmm.

$M_{j,i}$ = Molecular weight of halogen atom i in compound j, kg/kg-mole.

$L_{j,i}$ = Number of atoms of halogen i in compound j.

n = Number of halogenated compounds j in the batch process vent.

m = Number of different halogens i in each compound j of the batch process vent.

C_{avgj} = Annual average batch vent concentration of halogenated compound j in the batch process vent as determined by using Equation 18 of this subpart, dry basis, ppmv.

$$C_{avg_j} = \frac{\sum_{i=1}^{n}(DUR_i)(C_i)}{\sum_{i=1}^{n}(DUR_i)} \qquad \text{[Eq. 18]}$$

Where:

DUR_i = Duration of type i batch emission episodes annually, hrs/yr.

C_i = Average batch vent concentration of halogenated compound j in type i batch emission episode, ppmv.

n = Number of types of batch emission episodes venting from the batch process vent.

* * * * *

(i) *Process changes affecting Group 2 batch process vents.* Whenever process changes, as described in paragraph (i)(1) of this section, are made that affect one or more Group 2 batch process vents and that could reasonably be expected to change one or more Group 2 batch process vents to Group 1 batch process vents or that could reasonably be expected to reduce the batch mass input limitation for one or more Group 2 batch process vents, the owner or operator shall comply with paragraphs (i)(2) and (3) of this section.

(1) Examples of process changes include the changes listed in paragraphs (i)(1)(i), (i)(1)(ii), and (i)(1)(iii) of this section.

(i) For all batch process vents, examples of process changes include, but are not limited to, changes in feedstock type or catalyst type; or whenever there is replacement, removal, or modification of recovery equipment considered part of the batch unit operation as specified in paragraph (a)(2) of this section; or increases in production capacity or production rate. For purposes of this paragraph (i), process changes do not include: process upsets; unintentional, temporary process changes; and changes that are within the margin of variation on which the original group determination was based.

(ii) For Group 2 batch process vents where the group determination and batch mass input limitation are based on the expected mix of products, the situations described in paragraphs (i)(1)(ii)(A) and (B) of this section shall be considered to be process changes.

(A) The production of combinations of products not considered in establishing the batch mass input limitation.

(B) The production of a recipe of a product with a total mass of HAP charged to the reactor during the production of a single batch of product that is higher than the total mass of HAP for the recipe used as the single highest-HAP recipe for that product in the batch mass input limitation determination.

(iii) For Group 2 batch process vents where the group determination and batch mass input limitation are based on the single highest-HAP recipe

(considering all products produced or processed in the batch unit operation), the production of a recipe having a total mass of HAP charged to the reactor (during the production of a single batch of product) that is higher than the total mass of HAP for the highest-HAP recipe used in the batch mass input limitation determination shall be considered to be a process change.

(2) For each batch process vent affected by a process change, the owner or operator shall redetermine the group status by repeating the procedures specified in paragraphs (b) through (g) of this section, as applicable; alternatively, engineering assessment, as described in paragraph (b)(6)(i) of this section, may be used to determine the effects of the process change.

(3) Based on the results from paragraph (i)(2) of this section, owners or operators of affected sources shall comply with either paragraph (i)(3)(i), (ii), or (iii) of this section.

(i) If the group redetermination described in paragraph (i)(2) of this section indicates that a Group 2 batch process vent has become a Group 1 batch process vent as a result of the process change, the owner or operator shall submit a report as specified in § 63.1327(b) and shall comply with the Group 1 provisions in §§ 63.1322 through 63.1327 in accordance with § 63.1310(i)(2)(ii).

(ii) If the redetermination described in paragraph (i)(2) of this section indicates that a Group 2 batch process vent with annual emissions less than the level specified in paragraph (d) of this section, that is in compliance with § 63.1322(g), now has annual emissions greater than or equal to the level specified in paragraph (d) of this section but remains a Group 2 batch process vent, the owner or operator shall comply with the provisions in paragraphs (i)(3)(ii)(A) through (C) of this section.

(A) Redetermine the batch mass input limitation;

(B) Submit a report as specified in § 63.1327(c); and

(C) Comply with § 63.1322(f), beginning with the year following the submittal of the report submitted according to paragraph (i)(3)(ii)(B) of this section.

(iii) If the group redetermination described in paragraph (i)(2) of this section indicates no change in group status or no change in the relation of annual emissions to the levels specified in paragraph (d) of this section, the owner or operator shall comply with paragraphs (i)(3)(iii)(A) and (i)(3)(iii)(B) of this section.

(A) The owner or operator shall redetermine the batch mass input limitation; and

(B) The owner or operator shall submit the new batch mass input limitation in accordance with § 63.1327(c).

(j) *Process changes to new SAN affected sources using a batch process.* Whenever process changes, as described in paragraph (j)(1) of this section, are made to a new affected source producing SAN using a batch process that could reasonably be expected to adversely impact the compliance status (i.e., achievement of 84 percent emission reduction) of the affected source, the owner or operator shall comply with paragraphs (j)(2) and (3) of this section.

* * * * *

(3) Where the redetermined percent reduction is less than 84 percent, the owner or operator of the affected source shall submit a report as specified in § 63.1327(d) and shall comply with § 63.1322(a)(3) and all associated provisions in accordance with § 63.1310(i).

43. Section 63.1324 is amended by revising the section title and paragraphs (a) introductory text, (a)(2), (c) introductory text, and (c)(4)(ii), (c)(7), (d) introductory text, (e) introductory text, and (e)(2), (f)(1) introductory text, (f)(1)(ii), and (f)(3); and removing paragraph (e)(3), to read as follows:

§ 63.1324 Batch process vents—monitoring equipment.

(a) *General requirements.* Each owner or operator of a batch process vent or aggregate batch vent stream that uses a control device to comply with the requirements in § 63.1322(a) or § 63.1322(b), shall install the monitoring equipment specified in paragraph (c) of this section. All monitoring equipment shall be installed, calibrated, maintained, and operated according to manufacturer's specifications or other written procedures that provide adequate assurance that the equipment would reasonably be expected to monitor accurately.

* * * * *

(2) Except as otherwise provided in this subpart, the owner or operator shall operate control devices such that the daily average of monitored parameters, established as specified in paragraph (f) of this section, remains above the minimum level or below the maximum level, as appropriate.

* * * * *

(c) *Batch process vent and aggregate batch vent stream monitoring equipment.* The monitoring equipment specified in paragraphs (c)(1) through (c)(8) of this section shall be installed as specified in paragraph (a) of this section. The parameters to be monitored are specified in Table 7 of this subpart.

* * * * *

(4) * * *

(ii) A flow measurement device equipped with a continuous recorder shall be located at the scrubber influent for liquid flow. Gas stream flow shall be determined using one of the procedures specified in paragraphs (c)(4)(ii)(A) through (c)(4)(ii)(C) of this section.

(A) The owner or operator may determine gas stream flow using the design blower capacity, with appropriate adjustments for pressure drop.

(B) If the scrubber is subject to regulations in 40 CFR parts 264 through 266 that have required a determination of the liquid to gas (L/G) ratio prior to the applicable compliance date for this subpart, the owner or operator may determine gas stream flow by the method that had been utilized to comply with those regulations. A determination that was conducted prior to the compliance date for this subpart may be utilized to comply with this subpart if it is still representative.

(C) The owner or operator may prepare and implement a gas stream flow determination plan that documents an appropriate method which will be used to determine the gas stream flow. The plan shall require determination of gas stream flow by a method which will at least provide a value for either a representative or the highest gas stream flow anticipated in the scrubber during representative operating conditions other than start-ups, shutdowns, or malfunctions. The plan shall include a description of the methodology to be followed and an explanation of how the selected methodology will reliably determine the gas stream flow, and a description of the records that will be maintained to document the determination of gas stream flow. The owner or operator shall maintain the plan as specified in § 63.1335(a).

* * * * *

(7) Where a carbon adsorber is used, an integrating regeneration steam flow or nitrogen flow, or pressure monitoring device having an accuracy of ±10 percent of the flow rate, level, or pressure, or better, capable of recording the total regeneration steam flow or nitrogen flow, or pressure (gauge or absolute) for each regeneration cycle; and a carbon bed temperature monitoring device, capable of recording the carbon bed temperature after each regeneration and within 15 minutes of

completing any cooling cycle are required.

* * * * *

(d) *Alternative monitoring parameters.* An owner or operator of a batch process vent or aggregate batch vent stream may request approval to monitor parameters other than those required by paragraph (c) of this section. The request shall be submitted according to the procedures specified in § 63.1327(f) and § 63.1335(f). Approval shall be requested if the owner or operator:

* * * * *

(e) *Monitoring of bypass lines.* Owners or operators of a batch process vent or aggregate batch vent stream using a vent system that contains bypass lines that could divert emissions away from a control device used to comply with § 63.1322(a) or § 63.1322(b) shall comply with either paragraph (e)(1) or (e)(2) of this section. Equipment such as low leg drains, high point bleeds, analyzer vents, open-ended valves or lines, and pressure relief valves needed for safety purposes are not subject to this paragraph (e).

* * * * *

(2) Secure the bypass line damper or valve in the non-diverting position with a car-seal or a lock-and-key type configuration. A visual inspection of the seal or closure mechanism shall be performed at least once every month to ensure that the damper or valve is maintained in the non-diverting position and emissions are not diverted through the bypass line. Records shall be generated as specified in § 63.1326(e)(4).

(f) * * *

(1) For each parameter monitored under paragraph (c) or (d) of this section, the owner or operator shall establish a level, defined as either a maximum or minimum operating parameter as denoted in Table 8 of this subpart, that indicates proper operation of the control device. The level shall be established in accordance with the procedures specified in § 63.1334. The level may be based upon a prior performance test conducted for determining compliance with a regulation promulgated by EPA, and the owner or operator is not required to conduct a performance test under § 63.1325, provided that the prior performance test meets the conditions of § 63.1325(b)(3).

* * * * *

(ii) For aggregate batch vent streams using a control device to comply with § 63.1322(b)(2), the established level shall reflect the emission reduction requirement of 90 percent specified in § 63.1322(b)(2).

* * * * *

(3) The operating day shall be defined as part of establishing the parameter monitoring level and shall be submitted with the information in paragraph (f)(2) of this section. The definition of operating day shall specify the time(s) at which an operating day begins and ends. The operating day shall not exceed 24 hours.

* * * * *

44. Section 63.1325 is amended by:

a. Revising paragraphs (a), (b) introductory text, (b)(3), (b)(5), (c) introductory text, (c)(1)(i)(A), (c)(1)(i)(B) introductory text, (c)(1)(i)(C), (c)(1)(i)(D) introductory text, (c)(1)(ii), (c)(1)(iii) introductory text, (c)(1)(iii)(A), (c)(1)(v), (c)(2) introductory text, (d)(1), (d)(2)(ii), (d)(3), (d)(4), (e), and (g); and

b. Removing paragraph (b)(6), to read as follows:

§ 63.1325 Batch process vents—performance test methods and procedures to determine compliance.

(a) *Use of a flare.* When a flare is used to comply with § 63.1322(a)(1), § 63.1322(a)(3), § 63.1322(b)(1), or § 63.1322(b)(3), the owner or operator of an affected source shall comply with § 63.1333(e).

(b) *Exceptions to performance tests.* An owner or operator is not required to conduct a performance test when a control device specified in paragraphs (b)(1) through (b)(5) of this section is used to comply with § 63.1322(a)(2) or (a)(3).

* * * * *

(3) A control device for which a performance test was conducted for determining compliance with a regulation promulgated by the EPA and the test was conducted using the same Methods specified in this section and either no deliberate process changes have been made since the test, or the owner or operator can demonstrate that the results of the performance test, with or without adjustments, reliably demonstrate compliance despite process changes. Recovery devices used for controlling emissions from continuous process vents complying with § 63.1322(a)(3) are also eligible for the exemption described in this paragraph (b)(3).

* * * * *

(5) A hazardous waste incinerator for which the owner or operator has been issued a final permit under 40 CFR part 270 and complies with the requirements of 40 CFR part 264, subpart O, or has certified compliance with the interim status requirements of 40 CFR part 265, subpart O.

(c) *Batch process vent testing and procedures for compliance with § 63.1322(a)(2).* Except as provided in paragraph (a) or (b) of this section, an owner or operator using a control device to comply with § 63.1322(a)(2) shall conduct a performance test using the procedures specified in paragraph (c)(1) of this section in order to determine the control efficiency of the control device. An owner or operator shall determine the percent reduction for the batch cycle using the control efficiency of the control device as specified in paragraphs (c)(2)(i) through (c)(2)(iii) of this section and the procedures specified in paragraph (c)(2) of this section. Compliance may be based on either total organic HAP or TOC. For purposes of this paragraph (c), the term ''batch emission episode'' shall have the meaning ''period of the batch emission episode selected for control,'' which may be the entire batch emission episode or may only be a portion of the batch emission episode.

(1) * * *

(i) * * *

(A) Alternatively, an owner or operator may choose to test only those periods of the batch emission episode during which the emission rate for the entire episode can be determined or during which the emissions are greater than the average emission rate of the batch emission episode. The owner or operator choosing either of these options shall develop an emission profile for the entire batch emission episode, based on either process knowledge or test data collected, to demonstrate that test periods are representative. Examples of information that could constitute process knowledge include calculations based on material balances and process stoichiometry. Previous test results may be used provided the results are still relevant to the current batch process vent conditions.

(B) Method 1 or 1A, 40 CFR part 60, appendix A, as appropriate, shall be used for selection of the sampling sites if the flow measuring device is a pitot tube, except that references to particulate matter in Method 1A do not apply for the purposes of this subpart. No traverse is necessary when Method 2A or 2D, 40 CFR part 60, appendix A is used to determine gas stream volumetric flow rate. Inlet sampling sites shall be located as specified in paragraphs (c)(1)(i)(B)(*1*) and (c)(1)(i)(B)(*2*) of this section. Outlet sampling sites shall be located at the outlet of the control device prior to release to the atmosphere.

* * * * *

(C) Gas stream volumetric flow rate and/or average batch vent flow rate shall be determined as specified in § 63.1323(e).

(D) Method 18 or Method 25A, 40 CFR part 60, appendix A shall be used to determine the concentration of organic HAP or TOC, as appropriate. Alternatively, any other method or data that has been validated according to the applicable procedures in Method 301 of appendix A of this part may be used. The use of Method 25A, 40 CFR part 60, appendix A shall conform with the requirements in paragraphs (c)(1)(i)(D)(*1*) and (c)(1)(i)(D)(*2*) of this section.

* * * * *

(ii) If an integrated sample is taken over the entire test period to determine average batch vent concentration of TOC or total organic HAP, emissions per batch emission episode shall be calculated using Equations 19 and 20 of this subpart.

$$E_{episode,\ inlet} = K\left[\sum_{j=1}^{n}\left(C_{j,\ inlet}\right)\left(M_j\right)\right]\left(AFR_{inlet}\right)\left(T_h\right) \qquad \text{[Eq. 19]}$$

$$E_{episode,\ outlet} = K\left[\sum_{j=1}^{n}\left(C_{j,\ outlet}\right)\left(M_j\right)\right]\left(AFR_{outlet}\right)\left(T_h\right) \qquad \text{[Eq. 20]}$$

Where:

$E_{episode}$ = Inlet or outlet emissions, kg/episode.

K = Constant, 2.494×10^{-6} $(ppmv)^{-1}$ (gm-mole/scm) (kg/gm) (min/hr), where standard temperature is 20 °C.

C_j = Average inlet or outlet concentration of TOC or sample organic HAP component j of the gas stream for the batch emission episode, dry basis, ppmv.

M_j = Molecular weight of TOC or sample organic HAP component j of the gas stream, gm/gm-mole.

AFR = Average inlet or outlet flow rate of gas stream for the batch emission episode, dry basis, scmm.

T_h = Hours/episode

n = Number of organic HAP in stream. Note: Summation is not applicable if TOC emissions are being estimated using a TOC concentration measured using Method 25A, 40 CFR part 60, appendix A.

(iii) If grab samples are taken to determine average batch vent concentration of TOC or total organic HAP, emissions shall be calculated according to paragraphs (c)(1)(iii)(A) and (B) of this section.

(A) For each measurement point, the emission rates shall be calculated using Equations 21 and 22 of this subpart.

$$E_{point,\ inlet} = K\left[\sum_{j=1}^{n} C_j M_j\right] FR_{inlet} \qquad \text{[Eq. 21]}$$

$$E_{point,\ outlet} = K\left[\sum_{j=1}^{n} C_j M_j\right] FR_{outlet} \qquad \text{[Eq. 22]}$$

Where:

E_{point} = Inlet or outlet emission rate for the measurement point, kg/hr.

K = Constant, $2.494 \times 10_{-6}$ $(ppmv)^{-1}$ (gm-mole/scm) (kg/gm) (min/hr), where standard temperature is 20 °C.

C_j = Inlet or outlet concentration of TOC or sample organic HAP component j of the gas stream, dry basis, ppmv.

M_j = Molecular weight of TOC or sample organic HAP component j of the gas stream, gm/gm-mole.

FR=Inlet or outlet flow rate of gas stream for the measurement point, dry basis, scmm.

n=Number of organic HAP in stream. Note: Summation is not applicable if TOC emissions are being estimated using a TOC concentration measured using Method 25A, 40 CFR part 60, appendix A.

* * * * *

(v) If the batch process vent entering a boiler or process heater with a design capacity less than 44 megawatts is introduced with the combustion air or as a secondary fuel, the weight-percent reduction of total organic HAP or TOC across the device shall be determined by comparing the TOC or total organic HAP in all combusted batch process vents and primary and secondary fuels with the TOC or total organic HAP, respectively, exiting the combustion device.

(2) The percent reduction for the batch cycle shall be determined using Equation 26 of this subpart and the control device efficiencies specified in paragraphs (c)(2)(i) through (c)(2)(iii) of this section. All information used to calculate the batch cycle percent reduction, including a definition of the batch cycle identifying all batch emission episodes, shall be recorded as specified in § 63.1326(b)(2). This information shall include identification of those batch emission episodes, or portions thereof, selected for control.

$$PR = \frac{\sum_{i=1}^{n} E_{unc} + \sum_{i=1}^{n} E_{inlet,\ con} - \sum_{i=1}^{n} (1-R)\ E_{inlet,\ con}}{\sum_{i=1}^{n} E_{unc} + \sum_{i=1}^{n} E_{inlet,\ con}} (100) \qquad \text{[Eq. 26]}$$

Where:

PR=Percent reduction

E_{unc}=Mass rate of TOC or total organic HAP for uncontrolled batch emission episode i, kg/hr.

$E_{inlet,con}$=Mass rate of TOC or total organic HAP for controlled batch emission episode i at the inlet to the control device, kg/hr.

R=Control efficiency of control device as specified in paragraphs (c)(2)(i) through (c)(2)(iii) of this section.

n=Number of uncontrolled batch emission episodes, controlled batch emission episodes, and control devices. The value of n is not necessarily the same for these three items.

* * * * *

(d) * * *

(1) Sampling sites shall be located at the inlet and outlet of the scrubber or other halogen reduction device used to reduce halogen emissions in complying with § 63.1322(c)(1) or at the outlet of the halogen reduction device used to reduce halogen emissions in complying with § 63.1322(c)(2).

(2) * * *

(ii) Gas stream volumetric flow rate and/or average batch vent flow rate shall be determined as specified in § 63.1323(e).

(3) To determine compliance with the percent reduction specified in § 63.1322(c)(1), the mass emissions for any hydrogen halides and halogens present at the inlet of the scrubber or other halogen reduction device shall be summed together. The mass emissions of any hydrogen halides or halogens present at the outlet of the scrubber or other halogen reduction device shall be summed together. Percent reduction shall be determined by subtracting the outlet mass emissions from the inlet mass emissions and then dividing the result by the inlet mass emissions and multiplying by 100.

(4) To determine compliance with the emission limit specified in § 63.1322(c)(2), the annual mass emissions for any hydrogen halides and halogens present at the outlet of the halogen reduction device and prior to any combustion device shall be summed together and compared to the emission limit specified in § 63.1322(c)(2).

* * * * *

(e) *Aggregate batch vent stream testing for compliance with § 63.1322 (b)(2) or (b)(3).* Except as specified in paragraphs (e)(1) through (e)(2) of this section, owners or operators of aggregate batch vent streams complying with § 63.1322(b)(2) or (b)(3) shall conduct a performance test using the performance testing procedures for continuous process vents in § 63.116(c).

(1) For purposes of this subpart, when the provisions of § 63.116(c) specify that Method 18, 40 CFR part 60, appendix A, shall be used, Method 18 or Method 25A, 40 CFR part 60, appendix A, may be used. The use of Method 25A, 40 CFR part 60, appendix A, shall conform with the requirements in paragraphs (e)(1)(i) and (e)(1)(ii) of this section.

(i) The organic HAP used as the calibration gas for Method 25A, 40 CFR part 60, appendix A, shall be the single organic HAP representing the largest percent by volume of the emissions.

(ii) The use of Method 25A, 40 CFR part 60, appendix A, is acceptable if the response from the high-level calibration gas is at least 20 times the standard deviation of the response from the zero calibration gas when the instrument is zeroed on the most sensitive scale.

(2) When § 63.116(c)(4) refers to complying with an emission reduction of 98 percent, for purposes of this subpart, the 90 percent reduction requirement specified in § 63.1322(b)(2) shall apply.

* * * * *

(g) *Batch mass input limitation.* The batch mass input limitation required by § 63.1322(g)(1) shall be determined by the owner or operator such that annual emissions for the batch process vent remain less than the level specified in § 63.1323(d). The batch mass input limitation required by § 63.1322(f)(1) shall be determined by the owner or operator such that annual emissions remain at a level that ensures that said batch process vent remains a Group 2 batch process vent, given the actual annual flow rate for said batch process vent determined according to the procedures specified in § 63.1323(e)(3). The batch mass input limitation shall be determined using the same basis, as described in § 63.1323(a)(1), used to make the group determination (i.e., expected mix of products or highest-HAP recipe.) The establishment of the batch mass input limitation is not dependent upon any past production or activity level.

(1) If the expected mix of products serves as the basis for the batch mass input limitation, the batch mass input limitation shall be determined based on any foreseeable combination of products that the owner or operator expects to manufacture.

(2) If the single highest-HAP recipe serves as the basis for the batch mass input limitation, the batch mass input limitation shall be determined based solely on the production of the single highest-HAP recipe, considering all products produced or processed in the batch unit operation.

45. Section 63.1326 is amended by:

a. Revising paragraphs (a) introductory text, (a)(1), and (a)(2), (a)(3)(i), (a)(4), (a)(7), (a)(8), (a)(9), (b) introductory text, (b)(2), (b)(3)(ii), (b)(3)(iii), (b)(4)(iv), (d)(1), (d)(2), (e) introductory text, (e)(1)(i), (e)(1)(ii), (e)(2) introductory text, (e)(2)(ii), (e)(4), and (f); and

b. Adding paragraph (g), to read as follows:

§ 63.1326 Batch process vents—recordkeeping provisions.

(a) *Group determination records for batch process vents.* Except as provided in paragraphs (a)(7) and (a)(8) of this section, each owner or operator of an affected source shall maintain the records specified in paragraphs (a)(1) through (a)(6) of this section for each batch process vent subject to the group determination procedures of § 63.1323. Except for paragraph (a)(1) of this section, the records required by this paragraph (a) are restricted to the information developed and used to make the group determination under §§ 63.1323(b) through 63.1323(g), as appropriate. If an owner or operator did not need to develop certain information (e.g., annual average batch vent flow rate) to determine the group status, this paragraph (a) does not require that additional information be developed. Paragraph (a)(9) of this section specifies the recordkeeping requirements for Group 2 batch process vents that are exempt from the batch mass input limitation provisions, as allowed under § 63.1322(h).

(1) An identification of each unique product that has emissions from one or

more batch emission episodes venting from the batch process vent, along with an identification of the single highest-HAP recipe for each product and the mass of HAP fed to the reactor for that recipe.

(2) A description of, and an emission estimate for, each batch emission episode, and the total emissions associated with one batch cycle, as described in either paragraph (a)(2)(i) or (a)(2)(ii) of this section, as appropriate.

(i) If the group determination is based on the expected mix of products, records shall include the emission estimates for the single highest-HAP recipe of each unique product identified in paragraph (a)(1) of this section that was considered in making the group determination under § 63.1323.

(ii) If the group determination is based on the single highest-HAP recipe (considering all products produced or processed in the batch unit operation), records shall include the emission estimates for the single highest-HAP recipe.

(3) * * *

(i) For Group 2 batch process vents, said emissions shall be determined at the batch mass input limitation.

* * * * *

(4) The annual average batch vent flow rate for the batch process vent, determined in accordance with § 63.1323(e).

* * * * *

(7) If a batch process vent is subject to § 63.1322 (a) or (b), none of the records in paragraphs (a)(1) through (a)(6) of this section are required.

(8) If the total annual emissions from the batch process vent during the group determination are less than the appropriate level specified in § 63.1323(d), only the records in paragraphs (a)(1) through (a)(3) of this section are required.

(9) For each Group 2 batch process vent that is exempt from the batch mass input limitation provisions because it meets the criteria of § 63.1322(h), the records specified in paragraphs (a)(9)(i) and (ii) shall be maintained.

(i) Documentation of the maximum design capacity of the TPPU; and

(ii) The mass of HAP or material that can be charged annually to the batch unit operation at the maximum design capacity.

(b) *Compliance demonstration records.* Each owner or operator of a batch process vent or aggregate batch vent stream complying with § 63.1322(a) or (b), shall keep the following records, as applicable, readily accessible:

* * * * *

(2) If the owner or operator of a batch process vent has chosen to comply with § 63.1322(a)(2), records documenting the batch cycle percent reduction as specified in § 63.1325(c)(2); and

(3) * * *

(ii) All visible emission readings, heat content determinations, flow rate measurements, and exit velocity determinations made during the compliance determination required by § 63.1333(e); and

(iii) Periods when all pilot flames were absent.

(4) * * *

(iv) For a scrubber or other halogen reduction device following a combustion device to control halogenated batch process vents or halogenated aggregate batch vent streams, the percent reduction of total hydrogen halides and halogens as determined under § 63.1325(d)(3) or the emission limit determined under § 63.1325(d)(4).

* * * * *

(d) * * *

(1) The owner or operator of a Group 2 batch process vent that has chosen to comply with § 63.1322(g) shall keep the following records readily accessible:

(i) Records designating the established batch mass input limitation required by § 63.1322(g)(1) and specified in § 63.1325(g).

(ii) Records specifying the mass of HAP or material charged to the batch unit operation.

(2) The owner or operator of a Group 2 batch process vent that has chosen to comply with § 63.1322(f) shall keep the following records readily accessible:

(i) Records designating the established batch mass input limitation required by § 63.1322(f)(1) and specified in § 63.1325(g).

(ii) Records specifying the mass of HAP or material charged to the batch unit operation.

(e) *Controlled batch process vent continuous compliance records.* Each owner or operator of a batch process vent that has chosen to use a control device to comply with § 63.1322(a) shall keep the following records, as applicable, readily accessible:

(1) * * *

(i) For flares, the records specified in Table 7 of this subpart shall be maintained in place of continuous records.

(ii) For carbon adsorbers, the records specified in Table 7 of this subpart shall be maintained in place of batch cycle daily averages.

(2) Records of the batch cycle daily average value of each continuously monitored parameter, except as provided in paragraph (e)(2)(iii) of this section, as calculated using the procedures specified in paragraphs (e)(2)(i) and (e)(2)(ii) of this section.

* * * * *

(ii) Monitoring data recorded during periods of monitoring system breakdowns, repairs, calibration checks, and zero (low-level) and high-level adjustments shall not be included in computing the batch cycle daily averages. In addition, monitoring data recorded during periods of non-operation of the TPPU (or specific portion thereof) resulting in cessation of organic HAP emissions, or periods of start-up, shutdown, or malfunction shall not be included in computing the batch cycle daily averages.

* * * * *

(4) Where a seal or closure mechanism is used to comply with § 63.1324(e)(2), hourly records of whether a diversion was detected at any time are not required. The owner or operator shall record whether the monthly visual inspection of the seals or closure mechanisms has been done, and shall record the occurrence of all periods when the seal mechanism is broken, the bypass line damper or valve position has changed, or the key for a lock-and-key type configuration has been checked out, and records of any car-seal that has broken.

* * * * *

(f) *Aggregate batch vent stream continuous compliance records.* In addition to the records specified in paragraphs (b) and (c) of this section, each owner or operator of an aggregate batch vent stream using a control device to comply with § 63.1322(b)(1) or (b)(2) shall keep the following records readily accessible:

(1) Continuous records of the equipment operating parameters specified to be monitored under § 63.1324(c) and listed in Table 7 of this subpart, as applicable, or specified by the Administrator in accordance with § 63.1327(f), as allowed under § 63.1324(d), with the exceptions listed in (f)(1)(i) and (f)(1)(ii) of this section.

(i) For flares, the records specified in Table 7 of this subpart shall be maintained in place of continuous records.

(ii) For carbon adsorbers, the records specified in Table 7 of this subpart shall be maintained in place of daily averages.

(2) Records of the daily average value of each continuously monitored parameter for each operating day determined according to the procedures specified in § 63.1335(d).

(3) For demonstrating compliance with the monitoring of bypass lines as specified in § 63.1324(e), records as

specified in paragraphs (e)(3) or (e)(4) of this section, as appropriate.

(g) Documentation supporting the establishment of the batch mass input limitation shall include the information specified in paragraphs (g)(1) through (g)(5) of this section, as appropriate.

(1) Identification of whether the purpose of the batch mass input limitation is to comply with § 63.1322(f)(1) or (g)(1).

(2) Identification of whether the batch mass input limitation is based on the single highest-HAP recipe (considering all products) or on the expected mix of products for the batch process vent as allowed under § 63.1323(a)(1).

(3) Definition of the operating year, for the purposes of determining compliance with the batch mass input limitation.

(4) If the batch mass input limitation is based on the expected mix of products, the owner or operator shall provide documentation that describes as many scenarios for differing mixes of products (i.e., how many of each type of product) as the owner or operator desires the flexibility to accomplish. Alternatively, the owner or operator shall provide a description of the relationship among the mix of products that will allow a determination of compliance with the batch mass input limitation under any number of scenarios.

(5) The mass of HAP or material allowed to be charged to the batch unit operation per year under the batch mass input limitation.

46. Section 63.1327 is amended by:

a. Revising paragraph (a) introductory text, (b), (c) introductory text, (c)(2), (d), (e), and (g);

b. Removing paragraph (c)(3); and

c. Adding paragraphs (a)(5) and (a)(6), to read as follows:

§ 63.1327 Batch process vents—reporting requirements.

(a) The owner or operator of a batch process vent or aggregate batch vent stream at an affected source shall submit the information specified in paragraphs (a)(1) through (a)(6) of this section, as appropriate, as part of the Notification of Compliance Status specified in § 63.1335(e)(5).

* * * * *

(5) For each Group 2 batch process vent that is exempt from the batch mass input limitation provisions because it meets the criteria of § 63.1322(h), the information specified in § 63.1326(a)(1) through (3), and the information specified in § 63.1326(a)(4) through (6) as applicable, calculated at the conditions specified in § 63.1322(h).

(6) When engineering assessment has been used to estimate emissions from a batch emissions episode and the criteria specified in § 63.1323(b)(6)(i)(A) or (B) have been met, the owner or operator shall submit the information demonstrating that the criteria specified in § 63.1323(b)(6)(i)(A) or (B) have been met as part of the Notification of Compliance Status required by § 63.1335(e)(5).

(b) Whenever a process change, as defined in § 63.1323(i)(1), is made that causes a Group 2 batch process vent to become a Group 1 batch process vent, the owner or operator shall notify the Administrator and submit a description of the process change within 180 days after the process change is made or with the next Periodic Report, whichever is later. The owner or operator of an affected source shall comply with the Group 1 batch process vent provisions in §§ 63.1321 through 63.1327 in accordance with § 63.480(i)(2)(ii).

(c) Whenever a process change, as defined in § 63.1323(i)(1), is made that causes a Group 2 batch process vent with annual emissions less than the level specified in § 63.1323(d) for which the owner or operator has chosen to comply with § 63.1322(g) to have annual emissions greater than or equal to the level specified in § 63.1323(d) but remains a Group 2 batch process vent, or if a process change is made that requires the owner or operator to redetermine the batch mass input limitation as specified in § 63.1323(i)(3), the owner or operator shall submit a report within 180 days after the process change is made or with the next Periodic Report, whichever is later. The following information shall be submitted:

* * * * *

(2) The batch mass input limitation determined in accordance with § 63.1322(f)(1).

(d) Whenever a process change, as defined in § 63.1323(j)(1), is made that causes the percent reduction for all process vents at a new SAN affected source using a batch process to be less than 84 percent, the owner or operator shall notify the Administrator and submit a description of the process change within 180 days after the process change is made or with the next Periodic Report, whichever is later. The owner or operator shall comply with § 63.1322(a)(3) and all associated provisions in accordance with § 63.1310(i).

(e) The owner or operator is not required to submit a report of a process change if one of the conditions specified in paragraphs (e)(1) or (e)(2) of this section is met.

(1) The change does not meet the description of a process change in § 63.1323(i) or (j).

(2) The redetermined group status remains Group 2 for an individual batch process vent with annual emissions greater than or equal to the level specified in § 63.1323(d) and the batch mass input limitation does not decrease, a Group 2 batch process vent with annual emissions less than the level specified in § 63.1323(d) complying with § 63.1322(g) continues to have emissions less than the level specified in § 63.1323(d) and the batch mass input limitation does not decrease, or the achieved emission reduction remains at 84 percent or greater for new SAN affected sources using a batch process.

* * * * *

(g) Owners or operators of affected sources complying with § 63.1324(e), shall comply with paragraph (g)(1) or (g)(2) of this section, as appropriate.

(1) Submit reports of the times of all periods recorded under § 63.1326(e)(3) when the batch process vent is diverted from the control device through a bypass line, with the next Periodic Report.

(2) Submit reports of all occurrences recorded under § 63.1326(e)(4) in which the seal mechanism is broken, the bypass line damper or valve position has changed, or the key to unlock the bypass line damper or valve was checked out, with the next Periodic Report.

47. Section 63.1328 is revised, to read as follows:

§ 63.1328 Heat exchange systems provisions.

(a) Except as specified in paragraph (b) of this section, each owner or operator of an affected source shall comply with § 63.104, with the differences noted in paragraphs (c) through (h) of this section, for the purposes of this subpart.

(b) The provisions of paragraph (a) of this section do not apply to each process contact cooling tower that is associated with an existing affected source manufacturing PET.

(c) When the term ''chemical manufacturing process unit'' is used in § 63.104, the term ''thermoplastic product process unit'' shall apply for purposes of this subpart, with the exception noted in paragraph (d) of this section.

(d) When the phrase ''a chemical manufacturing process unit meeting the conditions of § 63.100(b)(1) through (b)(3) of this subpart, except for chemical manufacturing process units meeting the condition specified in § 63.100(c) of this subpart'' is used in

§ 63.104(a), the term ''a TPPU, except for TPPUs meeting the condition specified in § 63.1310(b)'' shall apply for purposes of this subpart.

(e) When § 63.104 refers to Table 4 of subpart F of this part or Table 9 of subpart G of this part, the owner or operator is only required to consider organic HAP listed on Table 6 of this subpart, except for ethylene glycol which need not be considered under this section, for purposes of this subpart.

(f) When § 63.104(c)(3) and § 63.104(f)(1) specify that the monitoring plan and records required by § 63.104(f)(1)(i) through (f)(1)(iv) shall be kept as specified in § 63.103(c), the provisions of § 63.1335(a) and § 63.1335(h) shall apply for purposes of this subpart.

(g) When § 63.104(f)(2) requires information to be reported in the Periodic Reports required by § 63.152(c), the owner or operator shall instead report the information specified in § 63.104(f)(2) in the Periodic Reports required by § 63.1335(e)(6), for the purposes of this subpart.

(h) The compliance date for heat exchange systems subject to the provisions of this section is specified in § 63.1311.

48. Section 63.1329 is amended by revising paragraphs (a), (c) introductory text, (c)(1)(i) through (c)(1)(iii), and (c)(2), to read as follows:

§ 63.1329 Process contact cooling towers provisions.

(a) The owner or operator of each new affected source that manufactures PET is required to comply with paragraph (b) of this section. The owner or operator of each existing affected source that manufactures PET using a continuous terephthalic acid high viscosity multiple end finisher process that utilizes a process contact cooling tower shall comply with paragraph (c) of this section, and is not required to comply with paragraph (b) of this section. The compliance date for process contact cooling towers subject to the provisions of this section is specified in § 63.1311.

* * * * *

(c) *Existing affected source requirements.* The owner or operator of an existing affected source subject to this section who manufactures PET using a continuous terephthalic acid high viscosity multiple end finisher process, and who is subject or becomes subject to 40 CFR part 60, subpart DDD, shall maintain an ethylene glycol concentration in the process contact cooling tower at or below 4.0 percent by weight averaged on a daily basis over a rolling 14-day period of operating days. Compliance with this paragraph (c) shall be determined as specified in paragraphs (c)(1) through (c)(4) of this section. It should be noted that compliance with this paragraph (c) does not exempt owners or operators from complying with the provisions of § 63.1330 for those process wastewater streams that are sent to the process contact cooling tower.

(1) * * *

(i) At least one sample per operating day shall be collected using the procedures specified in 40 CFR 60.564(j)(1)(i). An average ethylene glycol concentration by weight shall be calculated on a daily basis over a rolling 14-day period of operating days. Each daily average ethylene glycol concentration so calculated constitutes a performance test.

(ii) The owner or operator may elect to reduce the sampling program to any 14 consecutive operating day period once every two calendar months, if at least seventeen consecutive 14-day rolling average concentrations immediately preceding the reduced sampling program are each less than 1.2 weight percent ethylene glycol. If the average concentration obtained over the 14 operating day sampling during the reduced test period exceeds the upper 95 percent confidence interval calculated from the most recent test results in which no one 14-day average exceeded 1.2 weight percent ethylene glycol, then the owner or operator shall reinstitute a daily sampling program. The 95 percent confidence interval shall be calculated as specified in paragraph (c)(1)(iii) of this section. A reduced program may be reinstituted if the requirements specified in this paragraph (c)(1)(ii) are met.

(iii) The upper 95 percent confidence interval shall be calculated using the Equation 27 of this subpart:

$$CI_{95} = \frac{\sum_{i=1}^{n} X_i}{n} + 2\sqrt{\frac{n\sum_{i=1}^{n}\left(X_i^2\right) - \left(\sum_{i=1}^{n} X_i\right)^2}{n\,(n-1)}} \qquad \text{[Eq. 27]}$$

Where:

CI_{95}=95 percent confidence interval

X_i=daily ethylene glycol concentration for each operating day used to calculate each 14-day rolling average used in test results to justify implementing the reduced testing program.

n=number of ethylene glycol concentrations.

(2) Measuring an alternative parameter, such as carbon oxygen demand or biological oxygen demand, that is demonstrated to be directly proportional to the ethylene glycol concentration shall be allowed. Such parameter shall be measured during the initial 14-day performance test during which the facility is shown to be in compliance with the ethylene glycol concentration standard whereby the ethylene glycol concentration is determined using the procedures described in paragraph (c)(1) of this section. The alternative parameter shall be measured on a daily basis and the average value of the alternative parameter shall be calculated on a daily basis over a rolling 14-day period of operating days. Each daily average value of the alternative parameter constitutes a performance test.

* * * * *

49. Section 63.1330 is amended by revising paragraphs (a) and (b) and adding paragraph (c), to read as follows:

§ 63.1330 Wastewater provisions.

(a) Except as specified in paragraphs (d) and (e) of this section, the owner or operator of each affected source shall comply, as specified in paragraph (b) of this section, with the requirements of §§ 63.132 through 63.147 for each process wastewater stream originating at an affected source, with the requirements of § 63.148 for leak inspection provisions, and with the requirements of § 63.149 for equipment that is subject to § 63.149. Further, the owner or operator of each affected source shall comply with the requirements of § 63.105(a) for maintenance wastewater as specified in paragraph (c) of this section.

(b) The owner or operator of each affected source shall comply with the requirements of §§ 63.132 through 63.149, with the differences noted in paragraphs (b)(1) through (b)(22) of this section for the purposes of this subpart.

(1) When the determination of equivalence criteria in § 63.102(b) is referred to in §§ 63.132, 63.133, and 63.137, the provisions in § 63.6(g) shall apply for the purposes of this subpart.

(2) When the storage vessel requirements contained in §§ 63.119 through 63.123 are referred to in §§ 63.132 through 63.149, §§ 63.119 through 63.123 are applicable, with the exception of the differences referred to in § 63.1314, for the purposes of this subpart.

(3) When § 63.146(a) requires the submission of a request for approval to monitor alternative parameters according to the procedures specified in § 63.151(g) or § 63.152(e), owners or operators requesting to monitor alternative parameters shall follow the procedures specified in § 63.1335(g) for the purposes of this subpart.

(4) When § 63.147(d) requires owners or operators to keep records of the daily average value of each continuously monitored parameter for each operating day as specified in § 63.152(f), owners and operators shall instead keep records of the daily average value of each continuously monitored parameter as specified in § 63.1335(d) for the purposes of this subpart.

(5) When §§ 63.132 through 63.149 refer to an ''existing source,'' the term ''existing affected source,'' as defined in § 63.1310(a), shall apply for the purposes of this subpart.

(6) When §§ 63.132 through 63.149 refer to a ''new source,'' the term ''new affected source,'' as defined in § 63.1310(a), shall apply for the purposes of this subpart.

(7) When § 63.132(a) and (b) refer to the ''applicable dates specified in § 63.100 of subpart F of this part,'' the compliance dates specified in § 63.1311 shall apply for the purposes of this subpart.

(8) When §§ 63.132 through 63.149 refer to table 8, the owners or operator is only required to consider 1,3-butadiene for purposes of this subpart. When §§ 63.132 through 63.149 refer to table 9 or table 36, the owners or operator is only required to consider organic HAP listed on table 6 of this subpart for the purposes of this subpart, except for ethylene glycol which need not be considered. In addition, when §§ 63.132 through 63.149 refer to List 1, List 2, and/or List 3, as listed in Table 36 of subpart G of this part, the owner or operator is only required to consider organic HAP that are also listed on Table 6 of this subpart, for the purposes of this subpart.

(9) Whenever §§ 63.132 through 63.149 refer to a ''chemical manufacturing process unit,'' the term ''thermoplastic product process unit,'' (or TPPU) as defined in § 63.1312, shall apply for the purposes of this subpart. In addition, when § 63.149 refers to ''a chemical manufacturing process unit that meets the criteria of § 63.100(b) of subpart F of this part,'' the term ''a TPPU as defined in § 63.1312(b)'' shall apply for the purposes of this subpart.

(10) Whenever §§ 63.132 through 63.149 refer to a Group 1 wastewater stream or a Group 2 wastewater stream, the definitions of these terms contained in § 63.1312 shall apply for the purposes of this subpart.

(11) When § 63.149(d) refers to ''§ 63.100(f) of subpart F'', the phrase ''§ 63.1310(c)'' shall apply for the purposes of this subpart. In addition, where § 63.149(d) states ''and the item of equipment is not otherwise exempt from controls by the provisions of subparts A, F, G, or H of this part'', the phrase ''and the item of equipment is not otherwise exempt from controls by the provisions of subparts A, F, G, H, or JJJ of this part'' shall apply for the purposes of this subpart.

(12) When § 63.149(e)(1) and (e)(2) refer to ''a chemical manufacturing process unit subject to the new source requirements of 40 CFR 63.100(l)(1) or 40 CFR § 63.100 (l)(2),'' the phrase ''a TPPU that is part of a new affected source or that is a new affected source,'' shall apply for the purposes of this subpart.

(13) When the Notification of Compliance Status requirements contained in § 63.152(b) are referred to in §§ 63.138 and 63.146, the Notification of Compliance Status requirements contained in § 63.1335(e)(5) shall apply for the purposes of this subpart. In addition, when §§ 63.132 through 63.149 require that information be reported according to § 63.152(b) in the Notification of Compliance Status, the owner or operator of an affected source shall report the specified information in the Notification of Compliance Status required by § 63.1335(e)(5) for the purposes of this subpart.

(14) When the Periodic Report requirements contained in § 63.152(c) are referred to in § 63.146, the Periodic Report requirements contained in § 63.1335(e)(6) shall apply for the purposes of this subpart. In addition, when §§ 63.132 through 63.149 require that information be reported in the Periodic Reports required in § 63.152(c), the owner or operator of an affected source shall report the specified information in the Periodic Reports required in § 63.1335(e)(6) for the purposes of this subpart.

(15) When § 63.143(f) specifies that owners or operators shall establish the range that indicates proper operation of the treatment process or control device, the owner or operator shall instead comply with the requirements of § 63.1334(b)(1), (c), or (d) for establishing parameter level maximums/minimums for the purposes of this subpart.

(16) When § 63.146(b)(7) and § 63.146(b)(8) require that ''the information on parameter ranges specified in § 63.152(b)(2)'' be reported in the Notification of Compliance Status, owners and operators of affected sources are instead required to report the information on parameter levels as specified in § 63.1335(e)(5)(ii) for the purposes of this subpart.

(17) When the term ''range'' is used in §§ 63.132 through 63.149, the term ''level'' shall apply instead for the purposes of this subpart. This level shall be determined using the procedures specified in § 63.1334.

(18) For the purposes of this subpart, the owner or operator of an affected source is not required to include process wastewater streams that contain styrene when conducting performance tests for the purposes of calculating the required mass removal (RMR) or the actual mass removal (AMR) under the provisions described in § 63.145(f) or § 63.145(g). For purposes of this paragraph, a process wastewater stream is considered to contain styrene if the wastewater stream meets the requirements in paragraph (b)(18) (i), (ii), (iii), (iv), or (v) of this section.

(i) The wastewater stream originates at equipment that produces ABS or ABS latex;

(ii) The wastewater stream originates at equipment that produces EPS;

(iii) The wastewater stream originates at equipment that produces MABS;

(iv) The wastewater stream originates at equipment that produces MBS; or

(v) The wastewater stream originates at equipment that produces SAN.

(19) When the provisions of § 63.139(c)(1)(ii), § 63.145(d)(4), or § 63.145(i)(2) specify that Method 18, 40 CFR part 60, appendix A, shall be used, Method 18 or Method 25A, 40 CFR part 60, appendix A, may be used for the purposes of this subpart. The use of Method 25A, 40 CFR part 60, appendix A, shall conform with the requirements in paragraphs (b)(19)(i) and (b)(19)(ii) of this section.

(i) The organic HAP used as the calibration gas for Method 25A, 40 CFR

part 60, appendix A, shall be the single organic HAP representing the largest percent by volume of the emissions.

(ii) The use of Method 25A, 40 CFR part 60, appendix A, is acceptable if the response from the high-level calibration gas is at least 20 times the standard deviation of the response from the zero calibration gas when the instrument is zeroed on the most sensitive scale.

(20) In § 63.145(j), instead of the reference to § 63.11(b), and instead of § 63.145(j)(1) and § 63.145(j)(2), the requirements in § 63.1333(e) shall apply.

(21) The owner or operator of a facility which receives a Group 1 wastewater stream, or a residual removed from a Group 1 wastewater stream, for treatment pursuant to § 63.132(g) is subject to the requirements of § 63.132(g) with the differences identified in this section, and is not subject to subpart DD of this part with respect to that material.

(22) When § 63.132(g) refers to ''§§ 63.133 through 63.137'' or ''§§ 63.133 through 63.147'', the provisions in this section 63.1330 shall apply, for the purposes of this subpart.

(c) For each affected source, the owner or operator shall comply with the requirements for maintenance wastewater in § 63.105, except that when § 63.105(a) refers to ''organic HAPs,'' the definition of organic HAP in § 63.1312 shall apply for the purposes of this subpart.

* * * * *

50. Section 63.1331 is amended by:

a. Revising paragraphs (a) introductory text, (a)(2), (a)(4), (a)(5), (a)(6) introductory text, (a)(6)(i), (a)(6)(ii)(A), (a)(6)(ii)(B), (a)(7), (a)(8) introductory text, (a)(10), and (b);

b. Adding paragraphs (a)(6)(iii), (a)(6)(iv), and (a)(11) through (a)(13); and

c. Removing and reserving paragraph (a)(9), to read as follows:

§ 63.1331 Equipment leak provisions.

(a) Except as provided for in paragraphs (b) and (c) of this section, the owner or operator of each affected source shall comply with the requirements of subpart H of this part, with the differences noted in paragraphs (a)(1) through (a)(13) of this section.

* * * * *

(2) The compliance date for the equipment leak provisions contained in this section is provided in § 63.1311. Whenever subpart H of this part refers to the compliance dates specified in any paragraph contained in § 63.100, the compliance dates listed in § 63.1311(d) shall instead apply, for the purposes of this subpart. When § 63.182(c)(4) refers to ''sources subject to subpart F,'' the phrase ''sources subject to this subpart'' shall apply, for the purposes of this subpart. In addition, extensions of compliance dates are addressed by § 63.1311(e) instead of § 63.182(a)(6), for the purposes of this subpart.

* * * * *

(4) As specified in § 63.1335(e)(5), the Notification of Compliance Status required by paragraphs § 63.182(a)(2) and § 63.182(c) shall be submitted within 150 days (rather than 90 days) of the applicable compliance date specified in § 63.1311 for the equipment leak provisions.

(5) The information specified by § 63.182(a)(3) and § 63.182(d) (i.e., Periodic Reports) shall be submitted as part of the Periodic Reports required by § 63.1335(e)(6).

(6) For pumps, valves, connectors, and agitators in heavy liquid service; pressure relief devices in light liquid or heavy liquid service; and instrumentation systems, owners or operators of affected sources producing PET shall comply with the requirements of paragraphs (a)(6)(i) and (a)(6)(ii) of this section instead of with the requirements of § 63.169. Owners or operators of PET affected sources shall comply with all other provisions of subpart H of this part for pumps, valves, connectors, and agitators in heavy liquid service; pressure relief devices in light liquid or heavy liquid service; and instrumentation systems, except as specified in paragraphs (a)(6)(iii) through (a)(6)(iv) of this section.

(i) A leak is determined to be detected if there is evidence of a potential leak found by visual, audible, or olfactory means. Method 21, 40 CFR part 60, appendix A may not be used to determine the presence or absence of a leak.

(ii)(A) When a leak is detected, it shall be repaired as soon as practical, but not later than 15 days after it is detected, except as provided in § 63.171.

(B) The first attempt at repair shall be made no later than 5 days after each leak is detected.

* * * * *

(iii) An owner or operator is not required to develop an initial list of identification numbers as would otherwise be required under § 63.181(b)(1)(i) or § 63.181(b)(4).

(iv) When recording the detection of a leak under § 63.182(d)(1), the owner or operator of an affected source shall comply with paragraphs (a)(6)(iv)(A) through (a)(6)(iv)(B) of this section.

(A) When complying with § 63.181(d)(1), provide an identification number for the leaking equipment at the time of recordkeeping. Further, the owner or operator is not required to record the identification number of the instrument (i.e., Method 21 instrument) because the use of Method 21 is not an acceptable method for determining a leak under this paragraph (a)(6).

(B) An owner or operator is not required to comply with § 63.181(d)(4) which requires a record of the maximum instrument reading measured by Method 21 of 40 CFR part 60, appendix A.

(7) When § 63.166(b)(4)(i) refers to Table 9 of subpart G of this part, the owner or operator is only required to consider organic HAP listed on Table 6 of this subpart for purposes of this subpart, except for ethylene glycol which need not be considered.

(8) When the provisions of subpart H of this part specify that Method 18, 40 CFR part 60, appendix A, shall be used, Method 18 or Method 25A, 40 CFR part 60, appendix A, may be used for the purposes of this subpart. The use of Method 25A, 40 CFR part 60, appendix A, shall conform with the requirements in paragraphs (a)(8)(i) and (a)(8)(ii) of this section.

* * * * *

(9) [Reserved.]

(10) 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 TPPU within the affected source for all purposes under subpart H of this part, providing there is no delay in achieving the applicable compliance date.

(11) When the terms ''equipment'' and ''equipment leak'' are used in subpart H of this part, the definitions of these terms in § 63.1312 shall apply for the purposes of this subpart.

(12) The phrase ''the provisions of subparts F, I, or JJJ of this part'' shall apply instead of the phrase ''the provisions of subpart F or I of this part'' throughout §§ 63.163 and 63.168, for the purposes of this subpart. In addition, the phrase ''subparts F, I, and JJJ'' shall apply instead of the phrase ''subparts F and I'' in § 63.174(c)(2)(iii), for the purposes of this subpart.

(13) An owner or operator using a flare to comply with the requirements of this section shall conduct a compliance demonstration as specified in § 63.1333(e).

(b) The provisions of this section do not apply to each TPPU producing PET using a process other than a continuous

terephthalic acid (TPA) high viscosity multiple end finisher process that is part of an affected source if all of the equipment leak components subject to this § 63.1331 in the TPPU are either in vacuum service or in heavy liquid service.

(1) Owners and operators of a TPPU exempted under paragraph (b) of this section shall comply with paragraph (b)(1)(i) or (b)(1)(ii) of this section.

(i) Retain information, data, and analyses used to demonstrate that all of the components in the exempted TPPU are either in vacuum service or in heavy liquid service. For components in vacuum service, examples of information that could document this include, but are not limited to, analyses of process stream composition and process conditions, engineering calculations, or process knowledge. For components in heavy liquid service, such documentation shall include an analysis or demonstration that the process fluids do not meet the criteria of ''in light liquid service'' or ''in gas or vapor service.''

(ii) When requested by the Administrator, demonstrate that all of the components in the TPPU are either in vacuum service or in heavy liquid service.

(2) If changes occur at a TPPU exempted under paragraph (b) of this section such that all of the components in the TPPU are no longer either in vacuum service or in heavy liquid service (e.g., by either process changes or the addition of new components), the owner or operator of the affected source shall comply with the provisions of this section for all of the components at the TPPU. The owner or operator shall submit a report within 180 days after the process change is made or the information regarding the process change is known to the owner or operator. This report may be included in the next Periodic Report, as specified in paragraph (a)(5) of this section. A description of the process change shall be submitted with this report.

* * * * *

51. Section 63.1333 is amended by revising the section title and paragraphs (a) introductory text and (a)(1), (a)(2), (a)(4), and (b) introductory text; and adding paragraphs (a)(5) and (e), to read as follows:

§ 63.1333 Additional requirements for performance testing.

(a) Performance testing shall be conducted in accordance with § 63.7 (a)(1), (a)(3), (d), (e)(1), (e)(2), (e)(4), (g), and (h), with the exceptions specified in paragraphs (a)(1) through (a)(5) of this section and the additions specified in paragraphs (b) through (d) of this section. Sections 63.1314 through 63.1330 also contain specific testing requirements.

(1) Performance tests shall be conducted according to the provisions of § 63.7 (e)(1) and (e)(2), except that performance tests shall be conducted at maximum representative operating conditions achievable during one of the time periods described in paragraph (a)(1)(i) of this section, without causing any of the situations described in paragraph (a)(1)(ii) of this section to occur.

(i) The 6-month period that ends 2 months before the Notification of Compliance Status is due, according to § 63.1335(e)(5); or the 6-month period that begins 3 months before the performance test and ends 3 months after the performance test.

(ii) Causing damage to equipment; necessitating that the owner or operator make product that does not meet an existing specification for sale to a customer; or necessitating that the owner or operator make product in excess of demand.

(2) The requirements in § 63.1335(e)(5) should apply instead of the references in § 63.7(g) to the Notification of Compliance Status requirements in § 63.9(h).

* * * * *

(4) The owner or operator shall notify the Administrator of the intention to conduct a performance test at least 30 days before the performance test is scheduled to allow the Administrator the opportunity to have an observer present during the test. If after 30 days notice for an initially scheduled performance test, there is a delay (due to operational problems, etc.) in conducting the scheduled performance test, the owner or operator of an affected facility shall notify the Administrator as soon as possible of any delay in the original test date, either by providing at least 7 days prior notice of the rescheduled date of the performance test, or by arranging a rescheduled date with the Administrator by mutual agreement.

(5) Performance tests shall be performed no later than 150 days after the compliance dates specified in this subpart (i.e., in time for the results to be included in the Notification of Compliance Status), rather than according to the time periods in § 63.7(a)(2) of subpart A of this part.

(b) Each owner or operator of an existing affected source producing MBS complying with § 63.1315(b)(2) shall determine compliance with the mass emission per mass product standard by using Equation 49 of this subpart.

$$ER_{MBS} = \frac{\sum_{i=1}^{n} E_i}{PP_M} \qquad \text{[Eq. 49]}$$

Where:

ER_{MBS}=Emission rate of organic HAP or TOC from continuous process vents, kg/Mg product.

E_i=Emission rate of organic HAP or TOC from continuous process vent i as calculated using the procedures specified in § 63.116(c)(4), kg/month.

PP_M=Amount of polymer produced in one month as determined by the procedures specified in § 63.1318(b)(1)(ii), Mg/month.

n=Number of continuous process vents.

When determining E_i, when the provisions of § 63.116(c)(4) specify that Method 18, 40 CFR part 60, appendix A, shall be used, Method 18 or Method 25A, 40 CFR part 60, appendix A, may be used for the purposes of this subpart. The use of Method 25A, 40 CFR part 60, appendix A, shall conform with the requirements in paragraphs (b)(1) and (b)(2) of this section.

(e) Notwithstanding any other provision of this subpart, if an owner or operator of an affected source uses a flare to comply with any of the requirements of this subpart, the owner or operator shall comply with paragraphs (e)(1) through (e)(3) of this section. The owner or operator is not required to conduct a performance test to determine percent emission reduction or outlet organic HAP or TOC concentration. If a compliance demonstration has been conducted previously for a flare, using the techniques specified in paragraphs (e)(1)

through (e)(3) of this section, that compliance demonstration may be used to satisfy the requirements of this paragraph if either no deliberate process changes have been made since the compliance demonstration, or the results of the compliance demonstration reliably demonstrate compliance despite process changes.

(1) Conduct a visible emission test using the techniques specified in § 63.11(b)(4);

(2) Determine the net heating value of the gas being combusted, using the techniques specified in § 63.11(b)(6); and

(3) Determine the exit velocity using the techniques specified in either § 63.11(b)(7)(i) (and § 63.11(b)(7)(iii), where applicable) or § 63.11(b)(8), as appropriate.

52. Section 63.1334 is amended by:

a. Revising paragraphs (a), (b) introductory text, (b)(3) introductory text, (b)(3)(i)(A) through (b)(3)(i)(D), (b)(3)(ii), (c), (d), (f)(1) introductory text, (f)(1)(ii), (f)(1)(iii), (f)(2) introductory text, and (f)(2)(ii);

b. Removing and reserving paragraphs (b)(1) and (e);

c. Removing paragraph (b)(3)(i)(E); and

d. Adding paragraphs (f)(1)(v) and (f)(3) through (f)(7), to read as follows:

§ 63.1334 Parameter monitoring levels and excursions.

(a) *Establishment of parameter monitoring levels.* The owner or operator of a control or recovery device that has one or more parameter monitoring level requirements specified under this subpart shall establish a maximum or minimum level for each measured parameter. If a performance test is required by this subpart for a control device, the owner or operator shall use the procedures in either paragraph (b) or (c) of this section to establish the parameter monitoring level(s). If a performance test is not required by this subpart for a control device, the owner or operator may use the procedures in paragraph (b), (c) or (d) of this section to establish the parameter monitoring level(s). When using the procedures specified in paragraph (c) or (d) of this section, the owner or operator shall submit the information specified in § 63.1335(e)(3)(vii) for review and approval as part of the Precompliance Report.

(1) The owner or operator shall operate control and recovery devices such that the daily average of monitored parameters remains above the minimum established level or below the maximum established level, except as otherwise stated in this subpart.

(2) As specified in § 63.1335(e)(5), all established levels, along with their supporting documentation and the definition of an operating day, shall be submitted as part of the Notification of Compliance Status.

(3) Nothing in this section shall be construed to allow a monitoring parameter excursion caused by an activity that violates other applicable provisions of subpart A, F, G, or H of this part.

(b) *Establishment of parameter monitoring levels based exclusively on performance tests.* In cases where a performance test is required by this subpart, or the owner or operator of the affected source elects to do a performance test in accordance with the provisions of this subpart, and an owner or operator elects to establish a parameter monitoring level for a control, recovery, or recapture device based exclusively on parameter values measured during the performance test, the owner or operator of the affected source shall comply with the procedures in paragraphs (b)(1) through (b)(4) of this section, as applicable.

(1) [Reserved.]

* * * * *

(3) *Batch process vents.* The monitoring level(s) shall be established using the procedures specified in either paragraph (b)(3)(i) or (b)(3)(ii) of this section. The procedures specified in this paragraph (b)(3) may only be used if the batch emission episodes, or portions thereof, selected to be controlled were tested, and monitoring data were collected, during the entire period in which emissions were vented to the control device, as specified in § 63.1325(c)(1)(i). If the owner or operator chose to test only a portion of the batch emission episode, or portion thereof, selected to be controlled, the procedures in paragraph (c) of this section shall be used.

(i) * * *

(A) The average monitored parameter value shall be calculated for each batch emission episode, or portion thereof, in the batch cycle selected to be controlled. The average shall be based on all values measured during the required performance test.

(B) If the level to be established is a maximum operating parameter, the level shall be defined as the minimum of the average parameter values of the batch emission episodes, or portions thereof, in the batch cycle selected to be controlled (i.e., identify the emission episode, or portion thereof, which requires the lowest parameter value in order to assure compliance. The average parameter value that is necessary to assure compliance for that emission episode, or portion thereof, shall be the level for all emission episodes, or portions thereof, in the batch cycle, that are selected to be controlled).

(C) If the level to be established is a minimum operating parameter, the level shall be defined as the maximum of the average parameter values of the batch emission episodes, or portions thereof, in the batch cycle selected to be controlled (i.e., identify the emission episode, or portion thereof, which requires the highest parameter value in order to assure compliance. The average parameter value that is necessary to assure compliance for that emission episode, or portion thereof, shall be the level for all emission episodes, or portions thereof, in the batch cycle, that are selected to be controlled).

(D) Alternatively, an average monitored parameter value shall be calculated for the entire batch cycle based on all values measured during each batch emission episode, or portion thereof, selected to be controlled.

(ii) Instead of establishing a single level for the batch cycle, as described in paragraph (b)(3)(i) of this section, an owner or operator may establish separate levels for each batch emission episode, or portion thereof, selected to be controlled. Each level shall be determined as specified in paragraph (b)(3)(i)(A) of this section.

* * * * *

(c) *Establishment of parameter monitoring levels based on performance tests, supplemented by engineering assessments and/or manufacturer's recommendations.* In cases where a performance test is required by this subpart, or the owner or operator elects to do a performance test in accordance with the provisions of this subpart, and an owner or operator elects to establish a parameter monitoring level for a control, recovery, or recapture device under this paragraph (c), the owner or operator shall supplement the parameter values measured during the performance test with engineering assessments and/or manufacturer's recommendations. Performance testing is not required to be conducted over the entire range of expected parameter values.

(d) *Establishment of parameter monitoring based on engineering assessments and/or manufacturer's recommendations.* In cases where a performance test is not required by this subpart and an owner or operator elects to establish a parameter monitoring level for a control, recovery, or

recapture device under this paragraph (d), the determination of the parameter monitoring level shall be based exclusively on engineering assessments and/or manufacturer's recommendations.

(e) [Reserved.]

(f) *Parameter monitoring excursion definitions.* (1) With respect to storage vessels (where the applicable monitoring plan specifies continuous monitoring), continuous process vents, aggregate batch vent streams, and process wastewater streams, an excursion means any of the three cases listed in paragraphs (f)(1)(i) through (f)(1)(iii) of this section. For a control or recovery device where multiple parameters are monitored, if one or more of the parameters meets the excursion criteria in paragraphs (f)(1)(i) through (f)(1)(iii) of this section, this is considered a single excursion for the control or recovery device. For each excursion, the owner or operator shall be deemed out of compliance with the provisions of this subpart, except as provided in paragraph (g) of this section.

* * * * *

(ii) When the period of control or recovery device operation, with the exception noted in paragraph (f)(1)(v) of this section, is 4 hours or greater in an operating day, and monitoring data are insufficient, as defined in paragraph (f)(1)(iv) of this section, to constitute a valid hour of data for at least 75 percent of the operating hours.

(iii) When the period of control or recovery device operation, with the exception noted in paragraph (f)(1)(v) of this section, is less than 4 hours in an operating day and more than two of the hours during the period of operation do not constitute a valid hour of data due to insufficient monitoring data, as defined in paragraph (f)(1)(iv) of this section.

* * * * *

(v) The periods listed in paragraphs (f)(1)(v)(A) through (f)(1)(v)(E) of this section are not considered to be part of the period of control or recovery device operation, for the purposes of paragraphs (f)(1)(ii) and (f)(1)(iii) of this section.

(A) Monitoring system breakdowns, repairs, calibration checks, and zero (low-level) and high-level adjustments;

(B) Start-ups;

(C) Shutdowns;

(D) Malfunctions; or

(E) Periods of non-operation of the affected source (or portion thereof), resulting in cessation of the emissions to which the monitoring applies.

(2) With respect to batch process vents, an excursion means one of the two cases listed in paragraphs (f)(2)(i) and (f)(2)(ii) of this section. For a control device where multiple parameters are monitored, if one or more of the parameters meets the excursion criteria in either paragraph (f)(2)(i) or (f)(2)(ii) of this section, this is considered a single excursion for the control device. For each excursion, the owner or operator shall be deemed out of compliance with the provisions of this subpart, except as provided in paragraph (g) of this section.

* * * * *

(ii) When monitoring data are insufficient for an operating day. Monitoring data shall be considered insufficient when measured values are not available for at least 75 percent of the 15-minute periods when batch emission episodes selected to be controlled are being vented to the control device during the operating day, using the procedures specified in paragraphs (f)(2)(ii)(A) through (f)(2)(ii)(D) of this section.

(A) Determine the total amount of time during the operating day when batch emission episodes selected to be controlled are being vented to the control device.

(B) Subtract the time during the periods listed in paragraphs (f)(2)(ii)(B)(*1*) through (f)(2)(ii)(B)(*4*) of this section from the total amount of time determined in paragraph (f)(2)(ii)(A) of this section, to obtain the operating time used to determine if monitoring data are insufficient.

(*1*) Monitoring system breakdowns, repairs, calibration checks, and zero (low-level) and high-level adjustments;

(*2*) Start-ups;

(*3*) Shutdowns; or

(*4*) Malfunctions.

(C) Determine the total number of 15-minute periods in the operating time used to determine if monitoring data are insufficient, as was determined in accordance with paragraph (f)(2)(ii)(B) of this section.

(D) If measured values are not available for at least 75 percent of the total number of 15-minute periods determined in paragraph (f)(2)(ii)(C) of this section, the monitoring data are insufficient for the operating day.

(3) For storage vessels where the applicable monitoring plan does not specify continuous monitoring, an excursion is defined in paragraph (f)(3)(i) or (ii) of this section, as applicable. For a control or recovery device where multiple parameters are monitored, if one or more of the parameters meets the excursion criteria, this is considered a single excursion for the control or recovery device. For each excursion, the owner or operator shall be deemed out of compliance with the provisions of this subpart, except as provided in paragraph (g) of this section.

(i) If the monitoring plan specifies monitoring a parameter and recording its value at specific intervals (such as every 15 minutes or every hour), either of the cases listed in paragraph (f)(3)(i)(A) or (f)(3)(i)(B) of this section is considered a single excursion for the control device. For each excursion, the owner or operator shall be deemed out of compliance with the provisions of this subpart, except as provided in paragraph (g) of this section.

(A) When the average value of one or more parameters, averaged over the duration of the filling period for the storage vessel, is above the maximum level or below the minimum level established for the given parameters.

(B) When monitoring data are insufficient. Monitoring data shall be considered insufficient when measured values are not available for at least 75 percent of the specific intervals at which parameters are to be monitored and recorded, according to the storage vessel's monitoring plan, during the filling period for the storage vessel.

(ii) If the monitoring plan does not specify monitoring a parameter and recording its value at specific intervals (for example, if the relevant operating requirement is to exchange a disposable carbon canister before expiration of its rated service life), the monitoring plan shall define an excursion in terms of the relevant operating requirement.

(4) With respect to continuous process vents complying with the mass emissions per mass product requirements specified in § 63.1316(b)(1)(i)(A), (b)(1)(ii), (b)(2)(i), (b)(2)(ii), or (c)(1)(i), an excursion has occurred when the mass emission rate calculated as specified in § 63.1318(c) exceeds the appropriate mass emissions per mass product requirement. For each excursion, the owner or operator shall be deemed out of compliance with the provisions of this subpart, except as provided in paragraph (g) of this section.

(5) With respect to continuous process vents complying with the temperature limits for final condensers specified in § 63.1316(b)(1)(i)(B) or (c)(1)(ii), an excursion has occurred when the daily average exit temperature exceeds the appropriate condenser temperature limit. For each excursion, the owner or operator shall be deemed out of compliance with the provisions of this subpart, except as provided in paragraph (g) of this section. The periods listed in paragraphs (f)(5)(i)

through (f)(5)(v) of this section are not considered to be part of the period of operation for the condenser for purposes of determining the daily average exit temperature.

(i) Monitoring system breakdowns, repairs, calibration checks, and zero (low-level) and high-level adjustments;

(ii) Start-ups;

(iii) Shutdowns;

(iv) Malfunctions; or

(v) Periods of non-operation of the affected source (or portion thereof), resulting in cessation of the emissions to which the monitoring applies.

(6) With respect to new affected sources producing SAN using a batch process, an excursion has occurred when the percent reduction calculated using the procedures specified in § 63.1333(c) is less than 84 percent. For each excursion, the owner or operator shall be deemed out of compliance with the provisions of this subpart, except as provided in paragraph (g) of this section. The periods listed in paragraphs (f)(6)(i) through (f)(6)(v) of this section are not considered to be part of the period of control or recovery device operation for purposes of determining the percent reduction.

(i) Monitoring system breakdowns, repairs, calibration checks, and zero (low-level) and high-level adjustments;

(ii) Start-ups;

(iii) Shutdowns;

(iv) Malfunctions; or

(v) Periods of non-operation of the affected source (or portion thereof), resulting in cessation of the emissions to which the monitoring applies.

(7) With respect to continuous process vents complying with the mass emissions per mass product requirement specified in § 63.1315(b)(2), an excursion has occurred when the mass emission rate calculated as specified in § 63.1333(b) exceeds the mass emissions per mass product requirement specified in § 63.1315(b)(2). For each excursion, the owner or operator shall be deemed out of compliance with the provisions of this subpart, except as provided in paragraph (g) of this section.

* * * * *

53. Section 63.1335 is amended by:

a. Revising paragraphs (a), (b)(1), (b)(2), (d) introductory text, (d)(2), (d)(3), (d)(6), (d)(7), (d)(8), (d)(9), (e) introductory text, (e)(1), (e)(2), (e)(3), (e)(4) introductory text, (e)(4)(i), (e)(4)(ii) introductory text, (e)(4)(ii)(B), (e)(4)(ii)(D), (e)(4)(ii)(F)(*2*), (e)(4)(ii)(F)(*4*), (e)(4)(ii)(F)(*5*), (e)(4)(ii)(H)(*2*), (e)(4)(ii)(J)(*2*), (e)(4)(ii)(L)(*2*), (e)(4)(ii)(N), (e)(4)(iii), (e)(4)(iv), (e)(4)(iv)(A) introductory text, (e)(4)(iv)(B) introductory text, (e)(4)(iv)(C), (e)(5) introductory text, (e)(5)(i) introductory text, (e)(5)(i)(A), (e)(5)(ii) introductory text, (e)(5)(iv), (e)(5)(vi) through (e)(5)(viii), (e)(6) introductory text, (e)(6)(i), (e)(6)(ii), (e)(6)(iii)(B), (e)(6)(iii)(D) introductory text, (e)(6)(iii)(D)(*2*), (e)(6)(iii)(D)(*3*), (e)(6)(iv), (e)(6)(v)(B), (e)(6)(vi) through (e)(6)(xi), (e)(7) introductory text, (e)(7)(ii), (e)(8), (f) introductory text, (f)(3) introductory text, (g) introductory text, (g)(3) introductory text, (g)(3)(i)(A), (g)(4), (h) introductory text, (h)(1) introductory text, (h)(1)(ii)(B), (h)(1)(iv), (h)(1)(vi) introductory text, (h)(1)(vi)(B), (h)(1)(vi)(C), (h)(2)(i), and (h)(2)(iii);

b. Removing paragraph (d)(10);

c. Removing and reserving paragraphs (c), (d)(4), (d)(5), and (e)(6)(iii)(C); and

d. Adding paragraphs (e)(4)(iv)(D), (e)(5)(ix) through (e)(5)(xi), (e)(6)(iii)(D)(*4*), (e)(6)(xii), (e)(7)(iii), (e)(7)(iv), and (h)(1)(vi)(D), to read as follows:

§ 63.1335 General recordkeeping and reporting provisions.

(a) *Data retention.* Unless otherwise specified in this subpart, the owner or operator of an affected source shall keep copies of all applicable records and reports required by this subpart for at least 5 years, as specified in paragraph (a)(1) of this section, with the exception listed in paragraph (a)(2) of this section.

(1) All applicable records shall be maintained in such a manner that they can be readily accessed. The most recent 6 months of records shall be retained on site or shall be accessible from a central location by computer or other means that provides access within 2 hours after a request. The remaining 4 and one-half years of records may be retained offsite. Records may be maintained in hard copy or computer-readable form including, but not limited to, on paper, microfilm, computer, floppy disk, magnetic tape, or microfiche.

(2) If an owner or operator submits copies of reports to the appropriate EPA Regional Office, the owner or operator is not required to maintain copies of reports. If the EPA Regional Office has waived the requirement of § 63.10(a)(4)(ii) for submittal of copies of reports, the owner or operator is not required to maintain copies of those reports.

(b) * * *

(1) *Start-up, shutdown, and malfunction plan.* The owner or operator of an affected source shall develop and implement a written start-up, shutdown, and malfunction plan as specified in § 63.6(e)(3). This plan shall describe, in detail, procedures for operating and maintaining the affected source during periods of start-up, shutdown, and malfunction and a program for corrective action for malfunctioning process and air pollution control equipment used to comply with this subpart. A provision for ceasing to collect, during a start-up, shutdown, or malfunction, monitoring data that would otherwise be required by the provisions of this subpart may be included in the start-up, shutdown, and malfunction plan only if the owner or operator has demonstrated to the Administrator, through the Precompliance Report or a supplement to the Precompliance Report, that the monitoring system would be damaged or destroyed if it were not shut down during the start-up, shutdown, or malfunction. The affected source shall keep the start-up, shutdown, and malfunction plan on-site. Records associated with the plan shall be kept as specified in paragraphs (b)(1)(i)(A) through (b)(1)(i)(C) of this section. Reports related to the plan shall be submitted as specified in paragraph (b)(1)(ii) of this section.

(i) *Records of start-up, shutdown, and malfunction.* The owner or operator shall keep the records specified in paragraphs (b)(1)(i)(A) through (b)(1)(i)(C) of this section.

(A) Records of the occurrence and duration of each start-up, shutdown, and malfunction of operation of process equipment or control devices or recovery devices or continuous monitoring systems used to comply with this subpart during which excess emissions (as defined in § 63.1310(j)(4)) occur.

(B) For each start-up, shutdown, or malfunction during which excess emissions (as defined in § 63.1310(j)(4)) occur, records reflecting whether the procedures specified in the affected source's start-up, shutdown, and malfunction plan were followed, and documentation of actions taken that are not consistent with the plan. For example, if a start-up, shutdown, and malfunction plan includes procedures for routing a control device to a backup control device, records shall be kept of whether the plan was followed. These records may take the form of a ''checklist,'' or other form of recordkeeping that confirms conformance with the start-up shutdown, and malfunction plan for the event.

(C) Records specified in paragraphs (b)(1)(i)(A) through (b)(1)(i)(B) of this section are not required if they pertain solely to Group 2 emission points that are not included in an emissions average.

(ii) *Reports of start-up, shutdown, and malfunction.* For the purposes of this

subpart, the semiannual start-up, shutdown, and malfunction reports shall be submitted on the same schedule as the Periodic Reports required under paragraph (e)(6) of this section instead of being submitted on the schedule specified in § 63.10(d)(5)(i). Said reports shall include the information specified in paragraphs (b)(1)(i)(A) through (b)(1)(i)(B) of this section and shall contain the name, title, and signature of the owner or operator or other responsible official who is certifying its accuracy.

(2) *Application for approval of construction or reconstruction.* For new affected sources, each owner or operator shall comply with the provisions in § 63.5 regarding construction and reconstruction, excluding the provisions specified in § 63.5(d)(1)(ii)(H), (d)(1)(iii), (d)(2), and (d)(3)(ii).

(c) [Reserved.]

(d) *Recordkeeping and documentation.* Owners or operators required to keep continuous records shall keep records as specified in paragraphs (d)(1) through (d)(7) of this section, unless an alternative recordkeeping system has been requested and approved as specified in paragraph (g) of this section, and except as provided in paragraph (h) of this section. If a monitoring plan for storage vessels pursuant to § 63.1314(a)(9) requires continuous records, the monitoring plan shall specify which provisions, if any, of paragraphs (d)(1) through (d)(7) of this section apply. As described in § 63.1314(a)(9), certain storage vessels are not required to keep continuous records as specified in this paragraph. Owners and operators of such storage vessels shall keep records as specified in the monitoring plan required by § 63.1314(a)(9). Paragraphs (d)(8) and (d)(9) of this section specify documentation requirements.

* * * * *

(2) The owner or operator shall record either each measured data value or block average values for 1 hour or shorter periods calculated from all measured data values during each period. If values are measured more frequently than once per minute, a single value for each minute may be used to calculate the hourly (or shorter period) block average instead of all measured values. Owners or operators of batch process vents shall record each measured data value.

(3) Daily average (or batch cycle daily average) values of each continuously monitored parameter shall be calculated for each operating day as specified in paragraphs (d)(3)(i) through (d)(3)(ii) of this section, except as specified in paragraphs (d)(6) and (d)(7) of this section.

(i) The daily average value or batch cycle daily average shall be calculated as the average of all parameter values recorded during the operating day, except as specified in paragraph (d)(7) of this section. For batch process vents, as specified in § 63.1326(e)(2)(i), only parameter values measured during those batch emission episodes, or portions thereof, in the batch cycle that the owner or operator has chosen to control shall be used to calculate the average. The calculated average shall cover a 24-hour period if operation is continuous, or the number of hours of operation per operating day if operation is not continuous.

(ii) The operating day shall be the period the owner or operator specifies in the operating permit or the Notification of Compliance Status for purposes of determining daily average values or batch cycle daily average values of monitored parameters.

(4) [Reserved.]

(5) [Reserved.]

(6) *Records required when all recorded values are within the established limits.* If all recorded values for a monitored parameter during an operating day are above the minimum level or below the maximum level established in the Notification of Compliance Status or operating permit, the owner or operator may record that all values were above the minimum level or below the maximum level rather than calculating and recording a daily average (or batch cycle daily average) for that operating day.

(7) Monitoring data recorded during periods identified in paragraphs (d)(7)(i) through (d)(7)(v) of this section shall not be included in any average computed under this subpart. Records shall be kept of the times and durations of all such periods and any other periods during process or control device or recovery device operation when monitors are not operating.

(i) Monitoring system breakdowns, repairs, calibration checks, and zero (low-level) and high-level adjustments;

(ii) Start-ups;

(iii) Shutdowns;

(iv) Malfunctions;

(v) Periods of non-operation of the affected source (or portion thereof), resulting in cessation of the emissions to which the monitoring applies.

(8) For continuous monitoring systems used to comply with this subpart, records documenting the completion of calibration checks, and records documenting the maintenance of continuous monitoring systems that are specified in the manufacturer's instructions or that are specified in other written procedures that provide adequate assurance that the equipment would reasonably be expected to monitor accurately.

(9) The owner or operator of an affected source granted a waiver under § 63.10(f) shall maintain the information, if any, specified by the Administrator as a condition of the waiver of recordkeeping or reporting requirements.

(e) *Reporting and notification.* In addition to the reports and notifications required by subpart A of this part as specified in Table 1 of this subpart, the owner or operator of an affected source shall prepare and submit the reports listed in paragraphs (e)(3) through (e)(8) of this section, as applicable. All reports required by this subpart, and the schedule for their submittal, are listed in Table 9 of this subpart.

(1) Owners and operators shall not be in violation of the reporting requirements of this subpart for failing to submit information required to be included in a specified report if the owner or operator meets the requirements in paragraphs (e)(1)(i) through (e)(1)(iii) of this section. Examples of circumstances where this paragraph may apply include information related to newly-added equipment or emission points, changes in the process, changes in equipment required or utilized for compliance with the requirements of this subpart, or changes in methods or equipment for monitoring, recordkeeping, or reporting.

(i) The information was not known in time for inclusion in the report specified by this subpart;

(ii) The owner or operator has been diligent in obtaining the information; and

(iii) The owner or operator submits a report according to the provisions of paragraphs (e)(1)(iii)(A) through (e)(1)(iii)(C) of this section.

(A) If this subpart expressly provides for supplements to the report in which the information is required, the owner or operator shall submit the information as a supplement to that report. The information shall be submitted no later than 60 days after it is obtained, unless otherwise specified in this subpart.

(B) If this subpart does not expressly provide for supplements, but the owner or operator must submit a request for revision of an operating permit pursuant to part 70 or part 71, due to circumstances to which the information pertains, the owner or operator shall submit the information with the request for revision to the operating permit.

(C) In any case not addressed by paragraph (e)(1)(iii)(A) or (e)(1)(iii)(B) of

this paragraph, the owner or operator shall submit the information with the first Periodic Report, as required by this subpart, which has a submission deadline at least 60 days after the information is obtained.

(2) All reports required under this subpart shall be sent to the Administrator at the appropriate address listed in § 63.13. If acceptable to both the Administrator and the owner or operator of an affected source, reports may be submitted on electronic media.

(3) *Precompliance Report.* Owners or operators of affected sources requesting an extension for compliance; requesting approval to use alternative monitoring parameters, alternative continuous monitoring and recordkeeping, or alternative controls; requesting approval to use engineering assessment to estimate emissions from a batch emissions episode, as described in § 63.1323(b)(6)(i)(C); wishing to establish parameter monitoring levels according to the procedures contained in § 63.1334(c) or (d); or requesting approval to incorporate a provision for ceasing to collect monitoring data, during a start-up, shutdown, or malfunction, into the start-up, shutdown, and malfunction plan, when that monitoring equipment would be damaged if it did not cease to collect monitoring data, as permitted under § 63.1310(j)(3), shall submit a Precompliance Report according to the schedule described in paragraph (e)(3)(i) of this section. The Precompliance Report shall contain the information specified in paragraphs (e)(3)(ii) through (e)(3)(viii) of this section, as appropriate.

(i) *Submittal dates.* The Precompliance Report shall be submitted to the Administrator no later than 12 months prior to the compliance date. Unless the Administrator objects to a request submitted in the Precompliance Report within 45 days after its receipt, the request shall be deemed approved. For new affected sources, the Precompliance Report shall be submitted to the Administrator with the application for approval of construction or reconstruction required in paragraph (b)(2) of this section. Supplements to the Precompliance Report may be submitted as specified in paragraph (e)(3)(ix) of this section.

(ii) A request for an extension for compliance, as specified in § 63.1311(e), may be submitted in the Precompliance Report. The request for a compliance extension shall include the data outlined in § 63.6(i)(6)(i)(A), (B), and (D), as required in § 63.1311(e)(1).

(iii) The alternative monitoring parameter information required in paragraph (f) of this section shall be submitted in the Precompliance Report if, for any emission point, the owner or operator of an affected source seeks to comply through the use of a control technique other than those for which monitoring parameters are specified in this subpart or in subpart G of this part or seeks to comply by monitoring a different parameter than those specified in this subpart or in subpart G of this part.

(iv) If the affected source seeks to comply using alternative continuous monitoring and recordkeeping as specified in paragraph (g) of this section, the owner or operator shall submit a request for approval in the Precompliance Report.

(v) The owner or operator shall report the intent to use alternative controls to comply with the provisions of this subpart in the Precompliance Report. The Administrator may deem alternative controls to be equivalent to the controls required by the standard, under the procedures outlined in § 63.6(g).

(vi) If a request for approval to use engineering assessment to estimate emissions from a batch emissions episode, as described in § 63.1323(b)(6)(i)(C) is being made, the information required by § 63.1323(b)(6)(ii)(B) shall be submitted in the Precompliance Report.

(vii) If an owner or operator establishes parameter monitoring levels according to the procedures contained in § 63.1334(c) or (d), the following information shall be submitted in the Precompliance Report:

(A) Identification of which procedures (i.e., § 63.1334(c) or (d)) are to be used; and

(B) A description of how the parameter monitoring level is to be established. If the procedures in § 63.1334(c) are to be used, a description of how performance test data will be used shall be included.

(viii) If the owner or operator is requesting approval to incorporate a provision for ceasing to collect monitoring data, during a start-up, shutdown, or malfunction, into the start-up, shutdown, and malfunction plan, when that monitoring equipment would be damaged if it did not cease to collect monitoring data, the information specified in paragraphs (e)(3)(viii)(A) and (B) shall be supplied in the Precompliance Report or in a supplement to the Precompliance Report. The Administrator shall evaluate the supporting documentation and shall approve the request only if, in the Administrator's judgment, the specific monitoring equipment would be damaged by the contemporaneous start-up, shutdown, or malfunction.

(A) Documentation supporting a claim that the monitoring equipment would be damaged by the contemporaneous start-up, shutdown, or malfunction; and

(B) A request to incorporate such a provision for ceasing to collect monitoring data during a start-up, shutdown, or malfunction, into the start-up, shutdown, and malfunction plan.

(ix) Supplements to the Precompliance Report may be submitted as specified in paragraphs (e)(3)(ix)(A) or (e)(3)(ix)(B) of this section. Unless the Administrator objects to a request submitted in a supplement to the Precompliance Report within 45 days after its receipt, the request shall be deemed approved.

(A) Supplements to the Precompliance Report may be submitted to clarify or modify information previously submitted.

(B) Supplements to the Precompliance Report may be submitted to request approval to use alternative monitoring parameters, as specified in paragraph (e)(3)(iii) of this section; to use alternative continuous monitoring and recordkeeping, as specified in paragraph (e)(3)(iv) of this section; to use alternative controls, as specified in paragraph (e)(3)(v) of this section; to use engineering assessment to estimate emissions from a batch emissions episode, as specified in paragraph (e)(3)(vi) of this section; to establish parameter monitoring levels according to the procedures contained in § 63.1334(c) or (d), as specified in paragraph (e)(3)(vii) of this section; or to include a provision for ceasing to collect monitoring data during a start-up, shutdown, or malfunction, in the start-up, shutdown, and malfunction plan, when that monitoring equipment would be damaged if it did not cease to collect monitoring data, as specified in paragraph (e)(3)(viii) of this section.

(4) *Emissions Averaging Plan.* For all existing affected sources using emissions averaging, an Emissions Averaging Plan shall be submitted for approval according to the schedule and procedures described in paragraph (e)(4)(i) of this section. The Emissions Averaging Plan shall contain the information specified in paragraph (e)(4)(ii) of this section, unless the information required in paragraph (e)(4)(ii) of this section is submitted with an operating permit application. An owner or operator of an affected source who submits an operating permit application instead of an Emissions Averaging Plan shall submit the information specified in paragraph (e)(8)

of this section. In addition, a supplement to the Emissions Averaging Plan, as required under paragraph (e)(4)(iii) of this section, is to be submitted whenever additional alternative controls or operating scenarios may be used to comply with this subpart. Updates to the Emissions Averaging Plan shall be submitted in accordance with paragraph (e)(4)(iv) of this section.

(i) *Submittal and approval.* The Emissions Averaging Plan shall be submitted no later than 18 months prior to the compliance date, and it is subject to Administrator approval. The Administrator shall determine within 120 days whether the Emissions Averaging Plan submitted presents sufficient information. The Administrator shall either approve the Emissions Averaging Plan, request changes, or request that the owner or operator submit additional information. Once the Administrator receives sufficient information, the Administrator shall approve, disapprove, or request changes to the plan within 120 days.

(ii) *Information required.* The Emissions Averaging Plan shall contain the information listed in paragraphs (e)(4)(ii)(A) through (e)(4)(ii)(N) of this section for all emission points included in an emissions average.

* * * * *

(B) The required information shall include the projected emission debits and credits for each emission point and the sum for the emission points involved in the average calculated according to § 63.1332. The projected credits shall be greater than or equal to the projected debits, as required under § 63.1332(e)(3).

* * * * *

(D) The required information shall include the specific identification of each emission point affected by a pollution prevention measure. To be considered a pollution prevention measure, the criteria in § 63.1332(j)(1) shall be met. If the same pollution prevention measure reduces or eliminates emissions from multiple emission points in the average, the owner or operator shall identify each of these emission points.

* * * * *

(F) * * *

(*2*) The required documentation shall include the estimated values of all parameters needed for input to the emission debit and credit calculations in § 63.1332(g) and (h). These parameter values shall be specified in the affected source's Emissions Averaging Plan (or operating permit) as enforceable operating conditions. Changes to these parameters shall be reported as required by paragraph (e)(4)(iv) of this section.

* * * * *

(*4*) The required documentation shall include the anticipated nominal efficiency if a control technology achieving a greater percent emission reduction than the efficiency of the reference control technology is or will be applied to the emission point. The procedures in § 63.1332(i) shall be followed to apply for a nominal efficiency, and the report specified in paragraph (e)(7)(ii) of this section shall be submitted with the Emissions Averaging Plan as specified in paragraph (e)(7)(ii)(A) of this section.

(*5*) The required documentation shall include the monitoring plan specified in § 63.122(b), to include the information specified in § 63.120(d)(2)(i) and in either § 63.120(d)(2)(ii) or (d)(2)(iii) for each storage vessel controlled with a closed-vent system using a control device other than a flare.

* * * * *

(H) * * *

(*2*) The required documentation shall include the estimated values of all parameters needed for input to the emission debit and credit calculations in § 63.1332(g) and (h). These parameter values shall be specified in the affected source's Emissions Averaging Plan (or operating permit) as enforceable operating conditions. Changes to these parameters shall be reported as required by paragraph (e)(4)(iv) of this section.

* * * * *

(J) * * *

(*2*) The required documentation shall include the estimated values of all parameters needed for input to the emission debit and credit calculations in § 63.1332(g) and (h). These parameter values shall be specified in the affected source's Emissions Averaging Plan (or operating permit) as enforceable operating conditions. Changes to these parameters shall be reported as required by paragraph (e)(4)(iv) of this section.

* * * * *

(L) * * *

(*2*) The required documentation shall include the estimated values of all parameters needed for input to the wastewater emission credit and debit calculations in § 63.1332(g) and (h). These parameter values shall be specified in the affected source's Emissions Averaging Plan (or operating permit) as enforceable operating conditions. Changes to these parameters shall be reported as required by paragraph (e)(4)(iv) of this section.

* * * * *

(N) The required information shall include documentation of the data required by § 63.1332(k). The documentation shall demonstrate that the emissions from the emission points proposed to be included in the average will not result in greater hazard or, at the option of the Administrator, greater risk to human health or the environment than if the emission points were not included in an emissions average.

(iii) *Supplement to Emissions Averaging Plan.* The owner or operator required to prepare an Emissions Averaging Plan under paragraph (e)(4) of this section shall also prepare a supplement to the Emissions Averaging Plan for any additional alternative controls or operating scenarios that may be used to achieve compliance.

(iv) *Updates to Emissions Averaging Plan.* The owner or operator of an affected source required to submit an Emissions Averaging Plan under paragraph (e)(4) of this section shall also submit written updates of the Emissions Averaging Plan to the Administrator for approval under the circumstances described in paragraphs (e)(4)(iv)(A) through (e)(4)(iv)(C) of this section unless the relevant information has been included and submitted in an operating permit application or amendment.

(A) The owner or operator who plans to make a change listed in either paragraph (e)(4)(iv)(A)(*1*) or (e)(4)(iv)(A)(*2*) of this section shall submit an Emissions Averaging Plan update at least 120 days prior to making the change.

* * * * *

(B) The owner or operator who has made a change as defined in paragraph (e)(4)(iv)(B)(*1*) or (e)(4)(iv)(B)(*2*) of this section shall submit an Emissions Averaging Plan update within 90 days after the information regarding the change is known to the affected source. The update may be submitted in the next quarterly periodic report if the change is made after the date the Notification of Compliance Status is due.

* * * * *

(C) The owner or operator who plans to make a change listed in either paragraph (e)(4)(iv)(A)(*1*) or (e)(4)(iv)(A)(*2*) of this section shall submit an Emissions Averaging Plan update at least 120 days prior to making the change.

(D) The Administrator shall approve or request changes to the Emissions Averaging Plan update within 120 days of receipt of sufficient information regarding the change for emission points included in emissions averages.

(5) *Notification of Compliance Status.* For existing and new affected sources, a Notification of Compliance Status shall be submitted. For equipment leaks subject to § 63.1331, the owner or operator shall submit the information required in § 63.182(c) in the Notification of Compliance Status within 150 days after the first applicable compliance date for equipment leaks in the affected source, and an update shall be provided in the first Periodic Report that is due at least 150 days after each subsequent applicable compliance date for equipment leaks in the affected source. For all other emission points, including heat exchange systems, the Notification of Compliance Status shall contain the information listed in paragraphs (e)(5)(i) through (e)(5)(xi) of this section, as applicable, and shall be submitted no later than 150 days after the compliance dates specified in this subpart.

(i) The results of any emission point group determinations, process section applicability determinations, performance tests, inspections, continuous monitoring system performance evaluations, any other information used to demonstrate compliance, values of monitored parameters established during performance tests, and any other information required to be included in the Notification of Compliance Status under §§ 63.1311(l), 63.122, and 63.1314 for storage vessels, § 63.117 for continuous process vents, § 63.146 for process wastewater, §§ 63.1316 through 63.1320 for continuous process vents subject to § 63.1316, § 63.1327 for batch process vents, § 63.1329 for process contact cooling towers, and § 63.1332 for emission points included in an emissions average. In addition, the owner or operator of an affected source shall comply with paragraph (e)(5)(i)(A) and (e)(5)(i)(B) of this section.

(A) For performance tests, group determinations, and process section applicability determinations that are based on measurements, the Notification of Compliance Status shall include one complete test report, as described in paragraph (e)(5)(i)(B) of this section, for each test method used for a particular kind of emission point. For additional tests performed for the same kind of emission point using the same method, the results and any other information, from the test report, that is requested on a case-by-case basis by the Administrator shall be submitted, but a complete test report is not required.

(ii) For each monitored parameter for which a maximum or minimum level is required to be established under § 63.114(e) for continuous process vents, § 63.1324 for batch process vents and aggregate batch vent streams, § 63.143(f) for process wastewater, § 63.1332(m) for emission points in emissions averages, paragraph (e)(8) of this section, or paragraph (f) of this section, the Notification of Compliance Status shall contain the information specified in paragraphs (e)(5)(ii)(A) through (e)(5)(ii)(D) of this section, unless this information has been established and provided in the operating permit application. Further, as described in § 63.1314(a)(9), for those storage vessels for which the monitoring plan required by § 63.1314(a)(9) specifies compliance with the provisions of § 63.1334, the owner or operator shall provide the information specified in paragraphs (e)(5)(ii)(A) through (e)(5)(ii)(D) of this section for each monitored parameter, unless this information has been established and provided in the operating permit application. For those storage vessels for which the monitoring plan required by § 63.1314(a)(9) does not require compliance with the provisions of § 63.1334, the owner or operator shall provide the information specified in § 63.120(d)(3) as part of the Notification of Compliance Status, unless this information has been established and provided in the operating permit application.

* * * * *

(iv) The determination of applicability for flexible operation units as specified in § 63.1310(f).

* * * * *

(vi) The results for each predominant use determination made under § 63.1310(g), for storage vessels assigned to an affected source subject to this subpart.

(vii) The results for each predominant use determination made under § 63.1310(h), for recovery operations equipment assigned to an affected source subject to this subpart.

(viii) For owners or operators of Group 2 batch process vents establishing a batch mass input limitation as specified in § 63.1325(g), the affected source's operating year for purposes of determining compliance with the batch mass input limitation.

(ix) If any emission point is subject to this subpart and to other standards as specified in § 63.1311, and if the provisions of § 63.1311 allow the owner or operator to choose which testing, monitoring, reporting, and recordkeeping provisions will be followed, then the Notification of Compliance Status shall indicate which rule's requirements will be followed for testing, monitoring, reporting, and recordkeeping.

(x) An owner or operator who transfers a Group 1 wastewater stream or residual removed from a Group 1 wastewater stream for treatment pursuant to § 63.132(g) shall include in the Notification of Compliance Status the name and location of the transferee and a description of the Group 1 wastewater stream or residual sent to the treatment facility.

(xi) An owner or operator complying with paragraph (h)(1) of this section shall notify the Administrator of the election to comply with paragraph (h)(1) of this section as part of the Notification of Compliance Status or as part of the appropriate Periodic Report as specified in paragraph (e)(6)(ix) of this section.

(6) *Periodic Reports.* For existing and new affected sources, the owner or operator shall submit Periodic Reports as specified in paragraphs (e)(6)(i) through (e)(6)(xi) of this section. In addition, for equipment leaks subject to § 63.1331, the owner or operator shall submit the information specified in § 63.182(d) under the conditions listed in § 63.182(d), and for heat exchange systems subject to § 63.1328, the owner or operator shall submit the information specified in § 63.104(f)(2) as part of the Periodic Report required by this paragraph (e)(6). Section 63.1334 shall govern the use of monitoring data to determine compliance for Group 1 emissions points and for Group 1 and Group 2 emission points included in emissions averages with the following exception: As discussed in § 63.1314(a)(9), for storage vessels to which the provisions of § 63.1334 do not apply, as specified in the monitoring plan required by § 63.120(d)(2), the owner or operator is required to comply with the requirements set out in the monitoring plan, and monitoring records may be used to determine compliance.

(i) Except as specified in paragraphs (e)(6)(xi) and (e)(6)(xii) of this section, a report containing the information in paragraph (e)(6)(ii) of this section or containing the information in paragraphs (e)(6)(iii) through (e)(6)(x) of this section, as appropriate, shall be submitted semiannually no later than 60 days after the end of each 6-month period. The first report shall be submitted no later than 240 days after the date the Notification of Compliance Status is due and shall cover the 6-month period beginning on the date the Notification of Compliance Status is due.

(ii) If none of the compliance exceptions specified in paragraphs (e)(6)(iii) through (e)(6)(ix) of this section occurred during the 6-month period, the Periodic Report required by

paragraph (e)(6)(i) of this section shall be a statement that there were no compliance exceptions as described in this paragraph for the 6-month period covered by that report and no activities specified in paragraphs (e)(6)(iii) through (e)(6)(ix) of this section occurred during the 6-month period covered by that report.

(iii) * * *

(B) The daily average values or batch cycle daily average values of monitored parameters for both excused excursions, as defined in § 63.1334(g), and unexcused excursions, as defined in § 63.1334(f). For excursions caused by lack of monitoring data, the start-time and duration of periods when monitoring data were not collected shall be specified.

(C) [Reserved.]

(D) The information in paragraphs (e)(6)(iii)(D)(*1*) through (e)(6)(iii)(D)(*4*) of this section, as applicable:

* * * * *

(*2*) Notification if a process change is made such that the group status of any emission point changes from Group 2 to Group 1. The owner or operator is not required to submit a notification of a process change if that process change caused the group status of an emission point to change from Group 1 to Group 2. However, until the owner or operator notifies the Administrator that the group status of an emission point has changed from Group 1 to Group 2, the owner or operator is required to continue to comply with the Group 1 requirements for that emission point. This notification may be submitted at any time.

(*3*) Notification if one or more emission point(s) (other than equipment leaks) or one or more TPPU is added to an affected source. The owner or operator shall submit the information contained in paragraphs (e)(6)(iii)(D)(*3*)(*i*) through (e)(6)(iii)(D)(*3*)(*ii*) of this section:

(*i*) A description of the addition to the affected source; and

(*ii*) Notification of the group status of the additional emission point or all emission points in the TPPU.

(*4*) For process wastewater streams sent for treatment pursuant to § 63.132(g), reports of changes in the identity of the treatment facility or transferee.

* * * * *

(iv) For each batch process vent with a batch mass input limitation, every second Periodic Report shall include the mass of HAP or material input to the batch unit operation during the 12-month period covered by the preceding and current Periodic Reports, and a statement of whether the batch process vent was in or out of compliance with the batch mass input limitation.

(v) * * *

(B) For additional tests performed for the same kind of emission point using the same method, results and any other information, pertaining to the performance test, that is requested on a case-by-case basis by the Administrator shall be submitted, but a complete test report is not required.

(vi) Notification of a change in the primary product of a TPPU, in accordance with the provisions in § 63.1310(f). This includes a change in primary product from one thermoplastic product to either another thermoplastic product or to a non-thermoplastic product.

(vii) The results for each change made to a predominant use determination made under § 63.1310(g) for a storage vessel that is assigned to an affected source subject to this subpart after the change.

(viii) The Periodic Report shall include the results for each change made to a predominant use determination made under § 63.1310(h) for recovery operations equipment assigned to an affected source subject to this subpart after the change.

(ix) An owner or operator complying with paragraph (h)(1) of this section shall notify the Administrator of the election to comply with paragraph (h)(1) of this section as part of the Periodic Report or as part of the Notification of Compliance Status as specified in paragraph (e)(5)(xi) of this section.

(x) An owner or operator electing not to retain daily average or batch cycle daily average values under paragraph (h)(2) of this section shall notify the Administrator as specified in paragraph (h)(2)(i) of this section.

(xi) The owner or operator of an affected source shall submit quarterly reports for all emission points included in an emissions average as specified in paragraphs (e)(6)(xi)(A) through (e)(6)(xi)(C) of this section.

(A) The quarterly reports shall be submitted no later than 60 days after the end of each quarter. The first report shall be submitted with the Notification of Compliance Status no later than 150 days after the compliance date.

(B) The quarterly reports shall include the information specified in paragraphs (e)(6)(xi)(B)(1) through (e)(6)(xi)(B)(*7*) of this section for all emission points included in an emissions average.

(*1*) The credits and debits calculated each month during the quarter;

(*2*) A demonstration that debits calculated for the quarter are not more than 1.30 times the credits calculated for the quarter, as required under § 63.1332(e)(4);

(*3*) The values of any inputs to the debit and credit equations in § 63.1332 (g) and (h) that change from month to month during the quarter or that have changed since the previous quarter;

(*4*) Results of any performance tests conducted during the reporting period including one complete report for each test method used for a particular kind of emission point as described in paragraph (e)(6)(v) of this section;

(*5*) Reports of daily average (or batch cycle daily average) values of monitored parameters for excursions as defined in § 63.1334(f);

(*6*) For excursions caused by lack of monitoring data, the duration of periods when monitoring data were not collected shall be specified; and

(*7*) Any other information the affected source is required to report under the operating permit or Emissions Averaging Plan for the affected source.

(C) Every fourth quarterly report shall include the following:

(*1*) A demonstration that annual credits are greater than or equal to annual debits as required by § 63.1332(e)(3); and

(*2*) A certification of compliance with all the emissions averaging provisions in § 63.1332.

(xii) The owner or operator of an affected source shall submit quarterly reports for particular emission points and process sections not included in an emissions average as specified in paragraphs (e)(6)(xii)(A) through (e)(6)(xii)(D) of this section.

(A) The owner or operator of an affected source shall submit quarterly reports for a period of 1 year for an emission point or process section that is not included in an emissions average if:

(*1*) A control or recovery device for a particular emission point or process section has more excursions, as defined in § 63.1334(f), than the number of excused excursions allowed under § 63.1334(g) for a semiannual reporting period; or

(*2*) The Administrator requests that the owner or operator submit quarterly reports for the emission point or process section.

(B) The quarterly reports shall include all information specified in paragraphs (e)(6)(iii) through (e)(6)(ix) of this section applicable to the emission point or process section for which quarterly reporting is required under paragraph (e)(6)(xii)(A) of this section. Information applicable to other emission points within the affected source shall be submitted in the semiannual reports required under paragraph (e)(6)(i) of this section.

(C) Quarterly reports shall be submitted no later than 60 days after the end of each quarter.

(D) After quarterly reports have been submitted for an emission point for 1 year without more excursions occurring (during that year) than the number of excused excursions allowed under § 63.1334(g), the owner or operator may return to semiannual reporting for the emission point or process section.

(7) *Other reports.* Other reports shall be submitted as specified in paragraphs (e)(7)(i) through (e)(7)(iv) of this section.

* * * * *

(ii) For owners or operators of affected sources required to request approval for a nominal control efficiency for use in calculating credits for an emissions average, the information specified in § 63.1332(i) shall be submitted as specified in paragraph (e)(7)(ii) (A) or (B) of this section, as appropriate.

(A) If use of a nominal control efficiency is part of the initial Emissions Averaging Plan described in paragraph (e)(4)(ii) of this section, the information in paragraph (e)(7)(ii) of this section shall be submitted with the Emissions Averaging Plan.

(B) If an owner or operator elects to use a nominal control efficiency after submittal of the initial Emissions Averaging Plan as described in paragraph (e)(4)(ii) of this section, the information in paragraph (e)(7)(ii) of this section shall be submitted at the discretion of the owner or operator.

(iii) When the conditions of § 63.1310(f)(3)(i) or § 63.1310(f)(4)(i) are met, reports of changes to the primary product for a TPPU or process unit as required by § 63.1310(f)(3)(ii) or (f)(4)(ii), respectively, shall be submitted.

(iv) Owners or operators of TPPU or emission points (other than equipment leak components subject to § 63.1331) that are subject to § 63.1310(i)(1) or (i)(2) shall submit a report as specified in paragraphs (e)(7)(iv) (A) and (B) of this section.

(A) Reports shall include:

(*1*) A description of the process change or addition, as appropriate;

(*2*) The planned start-up date and the appropriate compliance date, according to § 63.1310(i) (1) or (2); and

(*3*) Identification of the group status of emission points (except equipment leak components subject to § 63.1331) specified in paragraphs (e)(7)(iv)(A)(*3*)(*i*) through (e)(7)(iv)(A)(*3*)(*iii*) of this section, as applicable.

(*i*) All the emission points in the added TPPU as described in § 63.1310(i)(1).

(*ii*) All the emission points in an affected source designated as a new affected source under § 63.1310(i)(2)(i).

(*iii*) All the added or created emission points as described in § 63.1310(i)(2)(ii).

(*4*) If the owner or operator wishes to request approval to use alternative monitoring parameters, alternative continuous monitoring or recordkeeping, alternative controls, engineering assessment to estimate emissions from a batch emissions episode, or wishes to establish parameter monitoring levels according to the procedures contained in § 63.1334 (c) or (d), a Precompliance Report shall be submitted in accordance with paragraph (e)(7)(iv)(B) of this section.

(B) Reports shall be submitted as specified in paragraphs (e)(7)(iv)(B)(1) through (e)(7)(iv)(B)(3) of this section, as appropriate.

(*1*) Owners or operators of an added TPPU subject to § 63.1310(i)(1) shall submit a report no later than 180 days prior to the compliance date for the TPPU.

(*2*) Owners or operators of an affected source designated as a new affected source under § 63.1310(i)(2)(i) shall submit a report no later than 180 days prior to the compliance date for the affected source.

(*3*) Owners or operators of any emission point (other than equipment leak components subject to § 63.1331) subject to § 63.1310(i)(2)(ii) shall submit a report no later than 180 days prior to the compliance date for those emission points.

(8) *Operating permit application.* An owner or operator who submits an operating permit application instead of an Emissions Averaging Plan or a Precompliance Report shall include the following information with the operating permit application:

(i) The information specified in paragraph (e)(4) of this section for points included in an emissions average; and

(ii) The information specified in paragraph (e)(3) of this section, Precompliance Report, as applicable.

(f) *Alternative monitoring parameters.* The owner or operator who has been directed by any section of this subpart or any section of another subpart referenced by this subpart, that expressly referenced this paragraph (f) to set unique monitoring parameters, or who requests approval to monitor a different parameter than those specified in § 63.1314 for storage vessels, § 63.1315 or § 63.1317, as appropriate, for continuous process vents, § 63.1321 for batch process vents and aggregate batch vent streams, or § 63.1330 for process wastewater shall submit the information specified in paragraphs (f)(1) through (f)(3) of this section in the Precompliance Report, as required by paragraph (e)(3) of this section. The owner or operator shall retain for a period of 5 years each record required by paragraphs (f)(1) through (f)(3) of this section.

* * * * *

(3) The required information shall include a description of the proposed monitoring, recordkeeping, and reporting system, to include the frequency and content of monitoring, recordkeeping, and reporting. Further, the rationale for the proposed monitoring, recordkeeping, and reporting system shall be included if either condition in paragraph (f)(3)(i) or (f)(3)(ii) of this section is met:

* * * * *

(g) *Alternative continuous monitoring and recordkeeping.* An owner or operator choosing not to implement the provisions listed in § 63.1315 or § 63.1317, as appropriate, for continuous process vents, § 63.1321 for batch process vents and aggregate batch vent streams, or § 63.1330 for process wastewater, may instead request approval to use alternative continuous monitoring and recordkeeping provisions according to the procedures specified in paragraphs (g)(1) through (g)(4) of this section. Requests shall be submitted in the Precompliance Report as specified in paragraph (e)(3)(iv) of this section, if not already included in the operating permit application, and shall contain the information specified in paragraphs (g)(2)(ii) and (g)(3)(ii) of this section, as applicable.

* * * * *

(3) An owner or operator may request approval to use an automated data compression recording system that does not record monitored operating parameter values at a set frequency, but records all values that meet set criteria for variation from previously recorded values, in accordance with paragraphs (g)(3)(i) and (g)(3)(ii) of this section.

(i) * * *

(A) Measure the operating parameter value at least once during every 15 minute period;

* * * * *

(4) An owner or operator may request approval to use other alternative monitoring systems according to the procedures specified in § 63.8(f)(4).

(h) *Reduced recordkeeping program.* For any parameter with respect to any item of equipment, the owner or operator may implement the recordkeeping requirements specified in paragraph (h)(1) or (h)(2) of this section as alternatives to the continuous

operating parameter monitoring and recordkeeping provisions that would otherwise apply under this subpart. The owner or operator shall retain for a period of 5 years each record required by paragraph (h)(1) or (h)(2) of this section, except as otherwise provided in paragraph (h)(1)(vi)(D) of this section.

(1) The owner or operator may retain only the daily average (or batch cycle daily average) value, and is not required to retain more frequent monitored operating parameter values, for a monitored parameter with respect to an item of equipment, if the requirements of paragraphs (h)(1)(i) through (h)(1)(vi) of this section are met. An owner or operator electing to comply with the requirements of paragraph (h)(1) of this section shall notify the Administrator in the Notification of Compliance Status as specified in paragraph (e)(5)(xi) of this section or, if the Notification of Compliance Status has already been submitted, in the Periodic Report immediately preceding implementation of the requirements of paragraph (h)(1) of this section as specified in paragraph (e)(6)(ix) of this section.

* * * * *

(ii) * * *

(B) The running average is based on at least six 1-hour average values; and

* * * * *

(iv) The monitoring system will alert the owner or operator by an alarm or other means, if the running average parameter value calculated under paragraph (h)(1)(ii) of this section reaches a set point that is appropriately related to the established limit for the parameter that is being monitored.

* * * * *

(vi) The owner or operator shall retain the records identified in paragraphs (h)(1)(vi)(A) through (h)(1)(vi)(D) of this section.

* * * * *

(B) A description of the applicable monitoring system(s), and of how compliance will be achieved with each requirement of paragraphs (h)(1)(i) through (h)(1)(v) of this section. The description shall identify the location and format (e.g., on-line storage, log entries) for each required record. If the description changes, the owner or operator shall retain both the current and the most recent superseded description, as provided in paragraph (a) of this section, except as provided in paragraph (h)(1)(vi)(D) of this section.

(C) A description, and the date, of any change to the monitoring system that would reasonably be expected to impair its ability to comply with the requirements of paragraph (h)(1) of this section.

(D) Owners and operators subject to paragraph (h)(1)(vi)(B) of this section shall retain the current description of the monitoring system as long as the description is current. The current description shall, at all times, be retained on-site or be accessible from a central location by computer or other means that provides access within 2 hours after a request. The owner or operator shall retain all superseded descriptions for at least 5 years after the date of their creation. Superseded descriptions shall be retained on-site (or accessible from a central location by computer or other means that provides access within 2 hours after a request) for at least 6 months after their creation. Thereafter, superseded descriptions may be stored off-site.

(2) * * *

(i) If the owner or operator elects not to retain the daily average (or batch cycle daily average) values, the owner or operator shall notify the Administrator in the next Periodic Report as specified in paragraph (e)(6)(x) of this section. The notification shall identify the parameter and unit of equipment.

* * * * *

(iii) The owner or operator shall retain the records specified in paragraphs (h)(1)(i) through (h)(1)(iii) of this section, for the duration specified in paragraph (h) of this section. For any calendar week, if compliance with paragraphs (h)(1)(i) through (h)(1)(iv) of this section does not result in retention of a record of at least one occurrence or measured parameter value, the owner or operator shall record and retain at least one parameter value during a period of operation other than a start-up, shutdown, or malfunction.

* * * * *

54. Revising Tables 1, 2, 6, 7, and 8, and adding Table 9 to Subpart JJJ of Part 63, to read as follows:

TABLE 1 TO SUBPART JJJ OF PART 63.—APPLICABILITY OF GENERAL PROVISIONS TO SUBPART JJJ AFFECTED SOURCES

Reference	Applies to subpart JJJ	Comment
63.1(a)(1)	Yes	§ 63.1312 specifies definitions in addition to or that supersede definitions in § 63.2.
63.1(a)(2)	Yes.	
63.1(a)(3)	Yes	§ 63.1311(g) through (l) and § 63.160(b) identify those standards which may apply in addition to the requirements of subparts JJJ and H of this part, and specify how compliance shall be achieved.
63.1(a)(4)	Yes	Subpart JJJ (this table) specifies the applicability of each paragraph in subpart A to subpart JJJ.
63.1(a)(5)	No	[Reserved.]
63.1(a)(6)–63.1(a)(8)	Yes.	
63.1(a)(9)	No	[Reserved.]
63.1(a)(10)	Yes.	
63.1(a)(11)	Yes.	
63.1(a)(12)–63.1(a)(14)	Yes.	
63.1(b)(1)	No	§ 63.1310(a) contains specific applicability criteria.
63.1(b)(2)	Yes.	
63.1(b)(3)	No	§ 63.1310(b) provides documentation requirements for TPPUs not considered affected sources.
63.1(c)(1)	Yes	Subpart JJJ (this table) specifies the applicability of each paragraph in subpart A to subpart JJJ.
63.1(c)(2)	No	Area sources are not subject to subpart JJJ.
63.1(c)(3)	No	[Reserved.]
63.1(c)(4)	Yes.	
63.1(c)(5)	Yes	Except that affected sources are not required to submit notifications that are not required by subpart U.
63.1(d)	No	[Reserved.]

TABLE 1 TO SUBPART JJJ OF PART 63.—APPLICABILITY OF GENERAL PROVISIONS TO SUBPART JJJ AFFECTED SOURCES—Continued

Reference	Applies to subpart JJJ	Comment
63.1(e)	Yes.	
63.2	Yes	§ 63.1312 specifies those subpart A definitions that apply to subpart JJJ.
63.3	Yes.	
63.4(a)(1)–63.4(a)(3)	Yes.	
63.4(a)(4)	No	[Reserved.]
63.4(a)(5)	Yes.	
63.4(b)	Yes.	
63.4(c)	Yes.	
63.5(a)(1)	Yes	Except the terms ''source'' and ''stationary source'' should be interpreted as having the same meaning as ''affected source.''
63.5(a)(2)	Yes.	
63.5(b)(1)	Yes	Except § 63.1310(i) defines when construction or reconstruction is subject to new source standards.
63.5(b)(2)	No	[Reserved.]
63.5(b)(3)	Yes.	
63.5(b)(4)	Yes	Except that the Initial Notification and § 63.9(b) requirements do not apply.
63.5(b)(5)	Yes.	
63.5(b)(6)	Yes	Except that § 63.1310(i) defines when construction or reconstruction is subject to new source standards.
63.5(c)	No	[Reserved.]
63.5(d)(1)(i)	Yes	Except that the references to the Initial Notification and § 63.9(b)(5) do not apply.
63.5(d)(1)(ii)	Yes	Except that § 63.5(d)(1)(ii)(H) does not apply.
63.5(d)(1)(iii)	No	§§ 63.1335(e)(5) and 63.1331(a)(4) specify Notification of Compliance Status requirements.
63.5(d)(2)	No.	
63.5(d)(3)	Yes	Except § 63.5(d)(3)(ii) does not apply, and equipment leaks subject to § 63.1331 are exempt.
63.5(d)(4)	Yes.	
63.5(e)	Yes.	
63.5(f)(1)	Yes.	
63.5(f)(2)	Yes	Except that where § 63.9(b)(2) is referred to, the owner or operator need not comply.
63.6(a)	Yes.	
63.6(b)(1)	Yes.	
63.6(b)(2)	Yes.	
63.6(b)(3)	Yes.	
63.6(b)(4)	Yes.	
63.6(b)(5)	Yes.	
63.6(b)(6)	No	[Reserved.]
63.6(b)(7)	No.	
63.6(c)(1)	Yes	Except that § 63.1311 specifies the compliance date.
63.6(c)(2)	No.	
63.6(c)(3)	No	[Reserved.]
63.6(c)(4)	No	[Reserved.]
63.6(c)(5)	Yes.	
63.6(d)	No	[Reserved.]
63.6(e)	Yes	Except as otherwise specified for individual paragraphs, and § 63.6(e) does not apply to Group 2 emission points, unless they are included in an emissions average.[a]
63.6(e)(1)(i)	No	This is addressed by § 63.1310(j)(4).
63.6(e)(1)(ii)	Yes.	
63.6(e)(1)(iii)	Yes.	
63.6(e)(2)	Yes.	
63.6(e)(3)(i)	Yes	For equipment leaks (subject to § 63.1331), the start-up, shutdown, and malfunction plan requirement of § 63.6(e)(3)(i) is limited to control devices and is optional for other equipment. The start-up, shutdown, malfunction plan may include written procedures that identify conditions that justify a delay of repair.
63.6(e)(3)(i)(A)	No	This is addressed by § 63.1310(j)(4).
63.6(e)(3)(i)(B)	Yes.	
63.6(e)(3)(i)(C)	Yes.	
63.6(e)(3)(ii)	Yes.	
63.6(e)(3)(iii)	No	Recordkeeping and reporting are specified in § 63.1335(b)(1).
63.6(e)(3)(iv)	No	Recordkeeping and reporting are specified in § 63.1335(b)(1).
63.6(e)(3)(v)	Yes.	
63.6(e)(3)(vi)	Yes.	
63.6(e)(3)(vii)	Yes.	
63.6(e)(3)(vii)(A)	Yes.	
63.6(e)(3)(vii)(B)	Yes	Except the plan shall provide for operation in compliance with § 63.1310(j)(4).
63.6(e)(3)(vii)(C)	Yes.	
63.6(e)(3)(viii)	Yes.	

TABLE 1 TO SUBPART JJJ OF PART 63.—APPLICABILITY OF GENERAL PROVISIONS TO SUBPART JJJ AFFECTED SOURCES—Continued

Reference	Applies to subpart JJJ	Comment
63.6(f)(1)	Yes.	
63.6(f)(2)	Yes	Except § 63.7(c), as referred to in § 63.6(f)(2)(iii)(D), does not apply, and except that § 63.6(f)(2)(ii) does not apply to equipment leaks subject to § 63.1331.
63.6(f)(3)	Yes.	
63.6(g)	Yes.	
63.6(h)	No	Subpart JJJ does not require opacity and visible emission standards.
63.6(i)(1)	Yes.	
63.6(i)(2)	Yes.	
63.6(i)(3)	Yes.	
63.6(i)(4)(i)(A)	Yes.	
63.6(i)(4)(i)(B)	No	Dates are specified in § 63.1311(e) and § 63.1335(e)(3)(i).
63.6(i)(4)(ii)	No.	
63.6(i)(5)–(14)	Yes.	
63.6(i)(15)	No	[Reserved.]
63.6(i)(16)	Yes.	
63.6(j)	Yes.	
63.7(a)(1)	Yes.	
63.7(a)(2)	No	§ 63.1335(e)(5) specifies the submittal dates of performance test results for all emission points except equipment leaks; for equipment leaks, compliance demonstration results are reported in the Periodic Reports.
63.7(a)(3)	Yes.	
63.7(b)	No	§ 63.1333(a)(4) specifies notification requirements.
63.7(c)	No.	
63.7(d)	Yes.	
63.7(e)(1)	Yes	Except that all performance tests shall be conducted at maximum representative operating conditions achievable at the time without disruption of operations or damage to equipment.
63.7(e)(2)	Yes.	
63.7(e)(3)	No	Subpart JJJ specifies requirements.
63.7(e)(4)	Yes.	
63.7(f)	Yes	Except that § 63.144(b)(5)(iii)(A) and (B) shall apply for process wastewater. Also, because a site specific test plan is not required, the notification deadline in § 63.7(f)(2)(i) shall be 60 days prior to the performance test, and in § 63.7(f)(3), approval or disapproval of the alternative test method shall not be tied to the site specific test plan.
63.7(g)	Yes	Except that the requirements in § 63.1335(e)(5) apply instead of references to the Notification of Compliance Status report in § 63.9(h). In addition, equipment leaks subject to § 63.1331 are not required to conduct performance tests.
63.7(h)	Yes	Except § 63.7(h)(4)(ii) is not applicable, because the site-specific test plans in § 63.7(c)(2) are not required.
63.8(a)(1)	Yes.	
63.8(a)(2)	No.	
63.8(a)(3)	No	[Reserved.]
63.8(a)(4)	Yes.	
63.8(b)(1)	Yes.	
63.8(b)(2)	No	Subpart JJJ specifies locations to conduct monitoring.
63.8(b)(3)	Yes.	
63.8(c)(1)	Yes.	
63.8(c)(1)(i)	Yes.	
63.8(c)(1)(ii)	No	For all emission points except equipment leaks, comply with § 63.1335(b)(1)(i)(B); for equipment leaks, comply with § 63.181(g)(2)(iii).
63.8(c)(1)(iii)	Yes.	
63.8(c)(2)	Yes.	
63.8(c)(3)	Yes.	
63.8(c)(4)	No	§ 63.1334 specifies monitoring frequency; not applicable to equipment leaks because § 63.1331 does not require continuous monitoring systems.
63.8(c)(5)–63.8(c)(8)	No.	
63.8(d)	No.	
63.8(e)	No.	
63.8(f)(1)–63.8(f)(3)	Yes.	
63.8(f)(4)(i)	No	Timeframe for submitting request is specified in § 63.1335(f) or (g); not applicable to equipment leaks because § 63.1331 (through reference to subpart H) specifies acceptable alternative methods.
63.8(f)(4)(ii)	No	Contents of request are specified in § 63.1335(f) or (g).
63.8(f)(4)(iii)	No.	
63.8(f)(5)(i)	Yes.	
63.8(f)(5)(ii)	No.	
63.8(f)(5)(iii)	Yes.	
63.8(f)(6)	No	Subpart JJJ does not require continuous emission monitors.

TABLE 1 TO SUBPART JJJ OF PART 63.—APPLICABILITY OF GENERAL PROVISIONS TO SUBPART JJJ AFFECTED SOURCES—Continued

Reference	Applies to subpart JJJ	Comment
63.8(g)	No	Data reduction procedures specified in § 63.1335 (d) and (h); not applicable to equipment leaks.
63.9(a)	Yes.	
63.9(b)	No	Subpart JJJ does not require an initial notification.
63.9(c)	Yes.	
63.9(d)	Yes.	
63.9(e)	No	§ 63.1333(a)(4) specifies notification deadline.
63.9(f)	No	Subpart JJJ does not require opacity and visible emission standards.
63.9(g)	No.	
63.9(h)	No	§ 63.1335(e)(5) specifies Notification of Compliance Status requirements.
63.9(i)	Yes.	
63.9(j)	No.	
63.10(a)	Yes.	
63.10(b)(1)	No	§ 63.1335(a) specifies record retention requirements.
63.10(b)(2)	No	Subpart JJJ specifies recordkeeping requirements.
63.10(b)(3)	No	§ 63.1310(b) requires documentation of sources that are not affected sources.
63.10(c)	No	§ 63.1335 specifies recordkeeping requirements.
63.10(d)(1)	Yes.	
63.10(d)(2)	No	§ 63.1335(e) specifies performance test reporting requirements; not applicable to equipment leaks.
63.10(d)(3)	No	Subpart JJJ does not require opacity and visible emission standards.
63.10(d)(4)	Yes.	
63.10(d)(5)	Yes	Except that reports required by § 63.10(d)(5)(i) and/or § 63.10(d)(5)(ii) may be submitted at the same time as Periodic Reports specified in § 63.1335(e)(6). The start-up, shutdown, and malfunction plan, and any records or reports of start-up, shutdown, and malfunction do not apply to Group 2 emission points unless they are included in an emissions average.
63.10(e)	No	§ 63.1335 specifies reporting requirements.
63.10(f)	Yes.	
63.11	Yes	Except that instead of § 63.11(b), § 63.1333(e) shall apply.
63.12	Yes	Except that the authority of § 63.1332(i) and the authority of § 63.177 (for equipment leaks) shall not be delegated to States.
63.13—63.15	Yes.	

[a] The plan, and any records or reports of start-up, shutdown, and malfunction do not apply to Group 2 emission points unless they are included in an emissions average.

TABLE 2 TO SUBPART JJJ OF PART 63.—GROUP 1 STORAGE VESSELS AT EXISTING AFFECTED SOURCES

Vessel capacity (cubic meters)	Vapor pressure [a] (kilopascals)
75 ≤ capacity < 151	≥ 13.1
151 ≤ capacity	≥ 5.2

[a] Maximum true vapor pressure of total organic HAP at storage temperature.

* * * * *

TABLE 6 TO SUBPART JJJ OF PART 63.—KNOWN ORGANIC HAP EMITTED FROM THE PRODUCTION OF THERMOPLASTIC PRODUCTS

Thermoplastic product/subcategory	Organic HAP/chemical name (CAS No.)						
	Acetaldehyde (75–07–0)	Acrylonitrile (107–13–1)	1,3 Butadiene (106–99–0)	1,4-Dioxane (123–91–1)	Ethylene Glycol (107–21–1)	Methanol (67–56–1)	Styrene (100–42–5)
ABS latex		√	√				√
ABS using a batch emulsion process		√	√				√
ABS using a batch suspension process		√	√				√
ABS using a continuous emulsion process		√	√				√
ABS using a continuous mass process		√	√				√
ASA/AMSAN		√	√				√
EPS							

TABLE 6 TO SUBPART JJJ OF PART 63.—KNOWN ORGANIC HAP EMITTED FROM THE PRODUCTION OF THERMOPLASTIC PRODUCTS—Continued

Thermoplastic product/subcategory	Organic HAP/chemical name (CAS No.)						
	Acetaldehyde (75–07–0)	Acrylonitrile (107–13–1)	1,3 Butadiene (106–99–0)	1,4-Dioxane (123–91–1)	Ethylene Glycol (107–21–1)	Methanol (67–56–1)	Styrene (100–42–5)
MABS		√	√				√
MBS			√				√
Nitrile resin		√					
PET using a batch dimethyl terephthalate process	√			√	√	√	
PET using a batch terephthalic acid process	√			√	√		
PET using a continuous dimethyl terephthalate process	√			√	√	√	
PET using a continuous terephthalic acid process	√			√	√		
PET using a continuous terephthalic acid high viscosity multiple end finisher process	√			√	√		
Polystyrene resin using a batch process							√
Polystyrene resin using a continuous process							√
SAN using a batch process		√					√
SAN using a continuous process		√					√

CAS No. = Chemical Abstract Service Number
ABS = Acrylonitrile butadiene styrene resin
ASA/AMSAN = Acrylonitrile styrene resin/alpha methyl styrene acrylonitrile resin
EPS = expandable polystyrene resin
MABS = methyl methacrylate acrylonitrile butadiene styrene resin
PET = poly(ethylene terephthalate) resin
SAN = styrene acrylonitrile resin
MBS = methyl methacrylate butadiene styrene resin

TABLE 7 OF SUBPART JJJ OF PART 63.—GROUP 1 BATCH PROCESS VENTS AND AGGREGATE BATCH VENT STREAMS—MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS

Control device	Parameters to be monitored	Recordkeeping and reporting requirements for monitored parameters
Thermal Incinerator	Firebox temperature [a]	1. Continuous records as specified in § 63.1326(e)(1).[b] 2. Record and report the average firebox temperature measured during the performance test—NCS.[c] 3. Record the batch cycle daily average firebox temperature as specified in § 63.1326(e)(2). 4. Report all batch cycle daily average temperatures that are below the minimum operating value established in the NCS or operating permit and all instances when monitoring data are not collected—PR.[d e]
Catalytic Incinerator	Temperature upstream and downstream of the catalyst bed.	1. Continuous records as specified in § 63.1326(e)(1).[b] 2. Record and report the average upstream and downstream temperatures and the average temperature difference across the catalyst bed measured during the performance test—NCS.[c] 3. Record the batch cycle daily average upstream temperature and temperature difference across catalyst bed as specified in § 63.1326(e)(2). 4. Report all batch cycle daily average upstream temperatures that are below the minimum upstream value established in the NCS or operating permit—PR.[d e] 5. Report all batch cycle daily average temperature differences across the catalyst bed that are below the minimum difference.
Boiler or Process Heater with a design heat input capacity less than 44 megawatts and where the batch process vents or aggregate batch vent streams are not introduced with or used as the primary fuel.	Firebox temperature [a]	1. Continuous records as specified in § 63.1326(e)(1).[b] 2. Record and report the average firebox temperature measured during the performance test—NCS.[c] 3. Record the batch cycle daily average firebox temperature as specified in § 63.1326(e)(2).[d] 4. Report all batch cycle daily average temperatures that are below the minimum operating value established in the NCS or operating permit and all instances when monitoring data are not collected—PR.[d e]

TABLE 7 OF SUBPART JJJ OF PART 63.—GROUP 1 BATCH PROCESS VENTS AND AGGREGATE BATCH VENT STREAMS—MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS—Continued

Control device	Parameters to be monitored	Recordkeeping and reporting requirements for monitored parameters
Flare	Presence of a flame at the pilot light.	1. Hourly records of whether the monitor was continuously operating during batch emission episodes, or portions thereof, selected for control and whether a flame was continuously present at the pilot light during said periods. 2. Record and report the presence of a flame at the pilot light over the full period of the compliance determination—NCS. [c] 3. Record the times and durations of all periods during batch emission episodes, or portions thereof, selected for control when all flames at the pilot light of a flare are absent or the monitor is not operating. 4. Report the times and durations of all periods during batch emission episodes, or portions thereof, selected for control when all flames at the pilot light of a flare are absent—PR.[d]
Scrubber for halogenated batch process vents or aggregate batch vent streams (Note: Controlled by a combustion device other than a flare).	pH of scrubber effluent, and	1. Continuous records as specified in § 63.1326(e)(1). [b] 2. Record and report the average pH of the scrubber effluent measured during the performance test—NCS. [c] 3. Record the batch cycle daily average pH of the scrubber effluent as specified in § 63.1326(e)(2). 4. Report all batch cycle daily average pH values of the scrubber effluent that are below the minimum operating value established in the NCS or operating permit and all instances when monitoring data are not collected—PR.[d e]
	Scrubber liquid and gas flow rates [§ 63.1324(b)(4)(ii)].	1. Records as specified in § 63.1326(e)(1). [b] 2. Record and report the scrubber liquid/gas ratio averaged over the full period of the performance test—NCS. [c] 3. Record the batch cycle daily average scrubber liquid/gas ratio as specified in § 63.1326(e)(2). 4. Report all batch cycle daily average scrubber liquid/gas ratios that are below the minimum value established in the NCS or operating permit and all instances when monitoring data are not collected—PR. [d e]
Absorber [f]	Exit temperature of the absorbing liquid, and.	1. Continuous records as specified in § 63.1326(e)(1). [b] 2. Record and report the average exit temperature of the absorbing liquid measured during the performance test—NCS. [c] 3. Record the batch cycle daily average exit temperature of the absorbing liquid as specified in § 63.1326(e)(2) for each batch cycle. 4. Report all the batch cycle daily average exit temperatures of the absorbing liquid that are below the minimum operating value established in the NCS or operating permit and all instances when monitoring data are not collected—PR. [d e]
	Exit specific gravity for the absorbing liquid.	1. Continuous records as specified in § 63.1326(e)(1). [b] 2. Record and report the average exit specific gravity measured during the performance test—NCS. [c] 3. Record the batch cycle daily average exit specific gravity as specified in § 63.1326(e)(2). 4. Report all batch cycle daily average exit specific gravity values that are below the minimum operating value established in the NCS or operating permit and all instances when monitoring data are not collected—PR.[d e]
Condenser [f]	Exit (product side) temperature	1. Continuous records as specified in § 63.1326(e)(1).[b] 2. Record and report the average exit temperature measured during the performance test—NCS.[c] 3. Record the batch cycle daily average exit temperature as specified in § 63.1326(e)(2). 4. Report all batch cycle daily average exit temperatures that are above the maximum operating value established in the NCS or operating permit and all instances when monitoring data are not collected—PR.[d e]
Carbon Adsorber [f]	Total regeneration steam flow or nitrogen flow, or pressure (gauge or absolute) during carbon bed regeneration cycle(s), and.	1. Record the total regeneration steam flow or nitrogen flow, or pressure for each carbon bed regeneration cycle. 2. Record and report the total regeneration steam flow or nitrogen flow, or pressure during each carbon bed regeneration cycle measured during the performance test—NCS.[c] 3. Report all carbon bed regeneration cycles when the total regeneration steam flow or nitrogen flow, or pressure is above the maximum value established in the NCS or operating permit—PR.[d e]

TABLE 7 OF SUBPART JJJ OF PART 63.—GROUP 1 BATCH PROCESS VENTS AND AGGREGATE BATCH VENT STREAMS—MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS—Continued

Control device	Parameters to be monitored	Recordkeeping and reporting requirements for monitored parameters
	Temperature of the carbon bed after regeneration and within 15 minutes of completing any cooling cycle(s).	1. Record the temperature of the carbon bed after each regeneration and within 15 minutes of completing any cooling cycle(s). 2. Record and report the temperature of the carbon bed after each regeneration and within 15 minutes of completing any cooling cycles(s) measured during the performance test—NCS.[c] 3. Report all carbon bed regeneration cycles when the temperature of the carbon bed after regeneration, or within 15 minutes of completing any cooling cycle(s), is above the maximum value established in the NCS or operating permit—PR.[d e]
All Control Devices	Diversion to the atmosphere from the control device or.	1. Hourly records of whether the flow indicator was operating during batch emission episodes, or portions thereof, selected for control and whether a diversion was detected at any time during said periods as specified in § 63.1326(e)(3). 2. Record and report the times of all periods during batch emission episodes, or portions thereof, selected for control when emissions are diverted through a bypass line or the flow indicator is not operating—PR.[d]
	Monthly inspections of sealed valves.	1. Records that monthly inspections were performed as specified in § 63.1326(e)(4)(i). 2. Record and report all monthly inspections that show the valves are in the diverting position or that a seal has been broken—PR.[d]
Absorber, Condenser, and Carbon Adsorber (as an alternative to the requirements previously presented in this table).	Concentration level or reading indicated by an organic monitoring device at the outlet of the control device.	1. Continuous records as specified in § 63.1326(e)(1).[b] 2. Record and report the average batch vent concentration level or reading measured during the performance test—NCS.[c] 3. Record the batch cycle daily average concentration level or reading as specified in § 63.1326(e)(2). 4. Report all batch cycle daily average concentration levels or readings that are above the maximum value established in the NCS or operating permit and all instances when monitoring data are not collected—PR.[d e]

[a] Monitor may be installed in the firebox or in the ductwork immediately downstream of the firebox before any substantial heat exchange is encountered.
[b] "Continuous records" is defined in § 63.111.
[c] NCS = Notification of Compliance Status described in § 63.1335(e)(5).
[d] PR = Periodic Reports described in § 63.1335(e)(6).
[e] The periodic reports shall include the duration of periods when monitoring data are not collected as specified in § 63.1335(e)(6)(iii)(C).
[f] Alternatively, these devices may comply with the organic monitoring device provisions listed at the end of this table.

TABLE 8 TO SUBPART JJJ OF PART 63.—OPERATING PARAMETERS FOR WHICH LEVELS ARE REQUIRED TO BE ESTABLISHED FOR CONTINUOUS AND BATCH PROCESS VENTS AND AGGREGATE BATCH VENT STREAMS

Device	Parameters to be monitored	Established operating parameter(s)
Thermal incinerator	Firebox temperature	Minimum temperature.
Catalytic incinerator	Temperature upstream and downstream of the catalyst bed	Minimum upstream temperature; and minimum temperature difference across the catalyst bed.
Boiler or process heater	Firebox temperature	Minimum temperature.
Scrubber for halogenated vents	pH of scrubber effluent; and scrubber liquid and gas flow rates [§ 63.1324(b)(4)(ii)].	Minimum pH; and minimum liquid/gas ratio.
Absorber	Exit temperature of the absorbing liquid; and exit specific gravity of the absorbing liquid.	Maximum temperature; and maximum specific gravity.
Condenser	Exit temperature	Maximum temperature.
Carbon adsorber	Total regeneration steam flow or nitrogen flow, or pressure (gauge or absolute)[a] during carbon bed regeneration cycle; and temperature of the carbon bed after regeneration (and within 15 minutes of completing any cooling cycle(s)).	Maximum flow or pressure; and maximum temperature.
Other devices (or as an alternate to the requirements previously presented in this table)[b].	HAP concentration level or reading at outlet of device	Maximum HAP concentration or reading.

[a] 25 to 50 mm (absolute) is a common pressure level obtained by pressure swing absorbers.
[b] Concentration is measured instead of an operating parameter.

TABLE 9 OF SUBPART JJJ OF PART 63.—ROUTINE REPORTS REQUIRED BY THIS SUBPART

Reference	Description of report	Due date
§ 63.1335(b) and Subpart A	Refer to Table 1 and Subpart A	Refer to Subpart A.
63.1335(e)(3)	Precompliance Report [a]	Existing affected sources—12 months prior to the compliance date. New affected sources—with application for approval of construction or reconstruction.
63.1335(e)(4)	Emissions Averaging Plan	18 months prior to the compliance date.
63.1335(e)(4)(iv)	Updates to Emissions Averaging Plan	120 days prior to making the change necessitating the update.
63.1335(e)(5)	Notification of Compliance Status [b]	Within 150 days after the compliance date.
63.1335(e)(6)	Periodic Reports	Semiannually, no later than 60 days after the end of each 6-month period. See § 63.1335(e)(6)(i) for the due date for the first report.
63.1335(e)(6)(xi)	Quarterly reports for Emissions Averaging	No later than 60 days after the end of each quarter. First report is due with the Notification of Compliance Status.
63.1335(e)(6)(xii)	Quarterly reports upon request of the Administrator.	No later than 60 days after the end of each quarter.
63.1335(e)(7)(i)	Storage Vessels Notification of Inspection.	At least 30 days prior to the refilling of each storage vessel or the inspection of each storage vessel.
63.1335(e)(7)(ii)	Requests for Approval of a Nominal Control Efficiency for Use in Emissions Averaging.	Initial submittal is due with the Emissions Averaging Plan specified in § 63.1335(e)(4)(ii); later submittals are made at the discretion of the owner or operator as specified in § 63.1335(e)(7)(ii)(B).
63.1335(e)(7)(iii)	Notification of Change in the Primary Product	For Notification under § 63.1310(f)(3)(ii)—notification submittal date at the discretion of the owner or operator.[c] For Notification under § 63.1310(f)(4)(ii)—within 6 months of making the determination.

[a] There may be two versions of this report due at different times; one for equipment subject to § 63.1331 and one for other emission points subject to this subpart.

[b] There will be two versions of this report due at different times; one for equipment subject to § 63.1331 and one for other emission points subject to this subpart.

[c] Note that the TPPU remains subject to this subpart until the notification under § 63.1310(f)(3)(i) is made.

[FR Doc. 99–3853 Filed 3–8–99; 8:45 am]

BILLING CODE 6560–50–P