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(iii) The notification and reporting requirements of paragraphs (d), (e), (f), (g), and (h) of this section, which shall be submitted in accordance with the schedules identified in those paragraphs.

[60 FR 4963, Jan. 25, 1995, as amended at 61 FR 27787, June 3, 1996; 62 FR 4465, Jan. 30, 1997, 62 FR 42921, Aug. 11, 1997; 69 FR 42897, July 19, 2004]

§ 63.348 Implementation and enforcement.

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

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

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

(1) Approval of alternatives to the requirements in §§ 63.340, 63.342(a) through (e) and (g), and 63.343(a).

(2) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f), as defined in § 63.90, and as required in this subpart.

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

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

[68 FR 37347, June 23, 2003]

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

General provisions reference	Applies to subpart N	Comment
63.1(a)(1)	Yes	Additional terms defined in § 63.341; when overlap between subparts A and N occurs, subpart N takes precedence.
63.1(a)(2)	Yes	
63.1(a)(3)	Yes	
63.1(a)(4)	Yes	Subpart N clarifies the applicability of each paragraph in subpart A to sources subject to subpart N.
63.1(a)(6)	Yes	
63.1(a)(7)	Yes	
63.1(a)(8)	Yes	
63.1(a)(10)	Yes	
63.1(a)(11)	Yes	§ 63.347(a) of subpart N also allows report submissions via fax and on electronic media.
63.1(a)(12)–(14)	Yes	
63.1(b)(1)	No	§ 63.340 of subpart N specifies applicability.
63.1(b)(2)	Yes	
63.1(b)(3)	No	This provision in subpart A is being deleted. Also, all affected area and major sources are subject to subpart N; there are no exemptions.
63.1(c)(1)	Yes	Subpart N clarifies the applicability of each paragraph in subpart A to sources subject to subpart N.
63.1(c)(2)	Yes	§ 63.340(e) of Subpart N exempts area sources from the obligation to obtain Title V operating permits.
63.1(c)(4)	Yes	
63.1(c)(5)	No	Subpart N clarifies that an area source that becomes a major source is subject to the requirements for major sources.
63.1(e)	Yes	
63.2	Yes	Additional terms defined in § 63.341; when overlap between subparts A and N occurs, subpart N takes precedence.
63.3	Yes	Other units used in subpart N are defined in that subpart.
63.4	Yes	

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General provisions reference	Applies to subpart N	Comment
63.5(a)	Yes	Except replace the term "source" and "stationary source" in § 63.5(a) (1) and (2) of subpart A with "affected sources."
63.5(b)(1)	Yes	Applies only to major affected sources. Subpart N (§ 63.345) specifies requirements for the notification of construction or reconstruction for affected sources that are not major.
63.5(b)(3)	Yes	
63.5(b)(4)	No	
63.5(b)(5)	Yes	
63.5(b)(6)	Yes	§ 63.345(c)(5) of subpart N specifies when the application or notification shall be submitted.
63.5(d)(1)(i)	No	
63.5(d)(1)(ii)	Yes	Applies to major affected sources that are new or reconstructed.
63.5(d)(1)(iii)	Yes	Except information should be submitted with the Notification of Compliance Status required by § 63.347(e) of subpart N.
63.5(d)(2)	Yes	Applies to major affected sources that are new or reconstructed except: (1) replace "source" in § 63.5(d)(2) of subpart A with "affected source"; and (2) actual control efficiencies are submitted with the Notification of Compliance Status required by § 63.347(e).
63.5(d)(3)–(4)	Yes	Applies to major affected sources that are new or reconstructed.
63.5(e)	Yes	Applies to major affected sources that are new or reconstructed.
63.5(f)(1)	Yes	Except replace "source" in § 63.5(f)(1) of subpart A with "affected source."
63.5(f)(2)	No	New or reconstructed affected sources shall submit the request for approval of construction or reconstruction under § 63.5(f) of subpart A by the deadline specified in § 63.345(c)(5) of subpart N.
63.6(a)	Yes	Except replace "source" in § 63.6(b)(1)–(2) of part A with "affected source."
63.6(b)(1)–(2)	Yes	
63.6(b)(3)–(4)	Yes	Except replace "source" in § 63.6(b)(5) of subpart A with "affected source."
63.6(b)(5)	Yes	
63.6(b)(7)	No	Provisions for new area sources that become major sources are contained in § 63.343(a)(4) of subpart N.
63.6(c)(1)–(2)	Yes	Except replace "source" in § 63.6(c)(1)–(2) of subpart A with "affected source."
63.6(c)(5)	No	Compliance provisions for existing area sources that become major sources are contained in § 63.343(a)(3) of subpart N.
63.6(e)	No	§ 63.342(f) of subpart N contains work practice standards (operation and maintenance requirements) that override these provisions.
63.6(f)(1)	No	§ 63.342(b) of subpart N specifies when the standards apply.
63.6(f)(2)(i)–(ii)	Yes	§ 63.344(b) of subpart N specifies instances in which previous performance test results for existing sources are acceptable.
63.6(f)(2)(iii)	No	
63.6(f)(2)(iv)	Yes	
63.6(f)(2)(v)	Yes	
63.6(f)(3)	Yes	Subpart N does not contain any opacity or visible emission standards.
63.6(g)	Yes	
63.6(h)	No	Except replace "source" in § 63.6(i)(2)(i) and (ii) of subpart A with "affected source."
63.6(i)(1)	Yes	
63.6(i)(2)	Yes	§ 63.343(a)(6) of subpart N specifies the procedures for obtaining an extension of compliance and the date by which such requests must be submitted.
63.6(i)(3)	Yes	
63.6(i)(4)(i)	No	This paragraph only references "paragraph (i)(4) of this section" for compliance extension provisions. But, § 63.343(a)(6) of subpart N also contains provisions for requesting a compliance extension.
63.6(i)(4)(ii)	Yes	
63.6(i)(5)	Yes	This paragraph only references "paragraphs (i)(4) through (i)(6) of this section" for compliance extension provisions. But, § 63.343(a)(6) of subpart N also contains provisions for requesting a compliance extension.
63.6(i)(6)(i)	Yes	
63.6(i)(6)(ii)	Yes	This paragraph only references "paragraphs (i)(4) through (i)(6) of this section" for compliance extension provisions. But, § 63.343(a)(6) of subpart N also contains provisions for requesting a compliance extension.
63.6(i)(7)	Yes	
63.6(i)(8)	Yes	This paragraph only references "paragraphs (i)(4) through (i)(6) of this section" and "paragraphs (i)(4) and (i)(5) of this section" for compliance extension provisions. But, § 63.343(a)(6) of subpart N also contains provisions for requesting a compliance extension.
63.6(i)(9)	Yes	
63.6(i)(10)(i)–(iv)	Yes	

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General provisions reference	Applies to subpart N	Comment	
63.6(i)(10)(v)(A)	Yes	This paragraph only references “paragraph (i)(4)” for compliance extension provisions. But, § 63.343(a)(6) of subpart N also contains provisions for requesting a compliance extension.	
63.6(i)(10)(v)(B)	Yes		
63.6(i)(11)	Yes	This paragraph only references “paragraph (i)(4)(i) or (i)(5) of this section” for compliance extension provisions. But, § 63.343(a)(6) of subpart N also contains provisions for requesting a compliance extension.	
63.6(i)(12)(i)	Yes		
63.6(i)(12)(ii)–(iii)	Yes		
63.6(i)(13)	Yes		
63.6(i)(14)	Yes		
63.6(i)(16)	Yes		
63.6(j)	Yes		
63.7(a)(1)	Yes		
63.7(a)(2)(i)–(vi)	Yes		
63.7(a)(2)(ix)	Yes		
63.7(a)(3)	Yes	§ 63.347(d) of subpart N requires notification prior to the performance test. § 63.344(a) of subpart N requires submission of a site-specific test plan upon request.	
63.7(b)(1)	No		
63.7(b)(2)	Yes	§ 63.344(a) of subpart N specifies what the test plan should contain, but does not require test plan approval or performance audit samples.	
63.7(c)	No		
63.7(d)	Yes	Except replace “source” in the first sentence of § 63.7(d) of subpart A with “affected source.”	
63.7(e)	Yes	Subpart N also contains test methods specific to affected sources covered by that subpart.	
63.7(f)	Yes	§ 63.344(c)(2) of subpart N identifies CARB Method 425 as acceptable under certain conditions.	
63.7(g)(1)	No	Subpart N identifies the items to be reported in the compliance test [§ 63.344(a)] and the timeframe for submitting the results [§ 63.347(f)].	
63.7(g)(3)	Yes	This paragraph only references “§ 63.6(i)” for compliance extension provisions. But, § 63.343(a)(6) of subpart N also contains provisions for requesting a compliance extension.	
63.7(h)(1)–(2)	Yes		
63.7(h)(3)(i)	Yes		
63.7(h)(3)(ii)–(iii)	Yes		
63.7(h)(4)–(5)	Yes		
63.8(a)(1)	Yes		
63.8(a)(2)	No		Work practice standards are contained in § 63.342(f) of subpart N.
63.8(a)(4)	No		
63.8(b)(1)	Yes		
63.8(b)(2)	No		§ 63.344(d) of subpart N specifies the monitoring location when there are multiple sources.
63.8(b)(3)	No	§ 63.347(g)(4) of subpart N identifies reporting requirements when multiple monitors are used.	
63.8(c)(1)(i)	No	Subpart N requires proper maintenance of monitoring devices expected to be used by sources subject to subpart N.	
63.8(c)(1)(ii)	No	§ 63.342(f)(3)(iv) of subpart N specifies reporting when the O&M plan is not followed.	
63.8(c)(1)(iii)	No	§ 63.343(f)(2) identifies the criteria for whether O&M procedures are acceptable.	
63.8(c)(2)–(3)	No	§ 63.344(d)(2) requires appropriate use of monitoring devices.	
63.8(c)(4)–(7)	No		
63.8(d)	No	Maintenance of monitoring devices is required by §§ 63.342(f) and 63.344(d)(2) of subpart N.	
63.8(e)	No	There are no performance evaluation procedures for the monitoring devices expected to be used to comply with subpart N.	
63.8(f)(1)	Yes	Instances in which the Administrator may approve alternatives to the monitoring methods and procedures of subpart N are contained in § 63.343(c)(8) of subpart N.	
63.8(f)(2)	No		
63.8(f)(3)	Yes	Subpart N does not require the use of CEM’s. Monitoring data does not need to be reduced for reporting purposes because subpart N requires measurement once/day.	
63.8(f)(4)	Yes		
63.8(f)(5)	Yes		
63.8(f)(6)	No		
63.8(g)	No		
63.9(a)	Yes		

§ 63.360

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General provisions reference	Applies to subpart N	Comment
63.9(b)(1)(i)–(ii)	No	§ 63.343(a)(3) of subpart N requires area sources to comply with major source provisions if an increase in HAP emissions causes them to become major sources.
63.9(b)(1)(iii)	No	§ 63.347(c)(2) of subpart N specifies initial notification requirements for new or reconstructed affected sources.
63.9(b)(2)	No	§ 63.347(c)(1) of subpart N specifies the information to be contained in the initial notification.
63.9(b)(3)	No	§ 63.347(c)(2) of subpart N specifies notification requirements for new or reconstructed sources that are not major affected sources.
63.9(b)(4)	No	
63.9(b)(5)	No	
63.9(c)	Yes	This paragraph only references “§ 63.6(i)(4) through § 63.6(i)(6)” for compliance extension provisions. But, § 63.343(a)(6) of subpart N also contains provisions for requesting a compliance extension. Subpart N provides a different timeframe for submitting the request than § 63.6(i)(4).
63.9(d)	Yes	This paragraph only references “the notification dates established in paragraph (g) of this section.” But, § 63.347 of subpart N also contains notification dates.
63.9(e)	No	Notification of performance test is required by § 63.347(d) of subpart N.
63.9(f)	No	
63.9(g)	No	Subpart N does not require a performance evaluation or relative accuracy test for monitoring devices.
63.9(h)(1)–(3)	No	§ 63.347(e) of subpart N specifies information to be contained in the notification of compliance status and the timeframe for submitting this information.
63.9(h)(5)	No	Similar language has been incorporated into § 63.347(e)(2)(iii) of subpart N.
63.9(h)(6)	Yes	
63.9(i)	Yes	
63.9(j)	Yes	
63.10(a)	Yes	
63.10(b)(1)	Yes	
63.10(b)(2)	No	§ 63.346(b) of subpart N specifies the records that must be maintained.
63.10(b)(3)	No	Subpart N applies to major and area sources.
63.10(c)	No	Applicable requirements of § 63.10(c) have been incorporated into § 63.346(b) of subpart N.
63.10(d)(1)	Yes	
63.10(d)(2)	No	§ 63.347(f) of subpart N specifies the timeframe for reporting performance test results.
63.10(d)(3)	No	Subpart N does not contain opacity or visible emissions standards.
63.10(d)(4)	Yes	
63.10(d)(5)	No	§ 63.342(f)(3)(iv) and § 63.347(g)(3) of subpart N specify reporting associated with malfunctions.
63.10(e)	No	§ 63.347(g) and (h) of subpart N specify the frequency of periodic reports of monitoring data used to establish compliance. Applicable requirements of § 63.10(e) have been incorporated into § 63.347(g) and (h).
63.10(f)	Yes	
63.11	No	Flares will not be used to comply with the emission limits.
63.12–63.15	Yes	

[60 FR 4963, Jan. 25, 1995, as amended at 61 FR 27787, June 3, 1996; 70 FR 75345, Dec. 19, 2005]

Subpart O—Ethylene Oxide Emissions Standards for Sterilization Facilities

SOURCE: 59 FR 62589, Dec. 6, 1994, unless otherwise noted.

§ 63.360 Applicability.

(a) All sterilization sources using 1 ton (see definition) in sterilization or

fumigation operations are subject to the emissions standards in § 63.362, except as specified in paragraphs (b) through (e) of this section. Owners or operators of sources using 1 ton (see definition) subject to the provisions of this subpart must comply with the requirements of subpart A, of this part according to the applicability of subpart A of this part to such sources in Table 1 of this section.