

## Environmental Protection Agency

## § 63.400

required by § 63.9(b)(2) and (3) of subpart A of this part. For new sterilization facilities subject to this subpart, the amount of ethylene oxide used shall be an estimate of expected use during the first consecutive 12-month period of operation.

[59 FR 62589, Dec. 6, 1994, as amended at 66 FR 55585, Nov. 2, 2001]

### § 63.367 Recordkeeping requirements.

(a) The owner or operator of a source subject to § 63.362 shall comply with the recordkeeping requirements in § 63.10(b) and (c), according to the applicability in Table 1 of § 63.360, and in this section. All records required to be maintained by this subpart or a subpart referenced by this subpart shall be maintained in such a manner that they can be readily accessed and are suitable for inspection. The most recent 2 years of records shall be retained onsite or shall be accessible to an inspector while onsite. The records of the preceding 3 years, where required, may be retained offsite. Records may be maintained in hard copy or computer-readable form including, but not limited to, on paper, microfilm, computer, computer disk, magnetic tape, or microfiche.

(b) The owners or operators of a source using 1 to 10 tons not subject to § 63.362 shall maintain records of ethylene oxide use on a 12-month rolling average basis (until the source changes its operations to become a source subject to § 63.362).

(c) The owners or operators of a source using less than 1 ton shall maintain records of ethylene oxide use on a 12-month rolling average basis (until the source changes its operations to become a source subject to § 63.362).

(d) The owners or operators complying with § 63.363(b) (4) shall maintain records of the compliance test, data analysis, and if catalyst is replaced, proof of replacement.

[66 FR 55585, Nov. 2, 2001]

### § 63.368 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 §§ 63.360 and 63.362.

(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 37348, June 23, 2003]

## Subpart P [Reserved]

## Subpart Q—National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers

SOURCE: 59 FR 46350, Sept. 8, 1994, unless otherwise noted.

### § 63.400 Applicability.

(a) The provisions of this subpart apply to all new and existing industrial process cooling towers that are operated with chromium-based water treatment chemicals and are either major sources or are integral parts of facilities that are major sources as defined in § 63.401.

(b) Table 1 of this subpart specifies the provisions of subpart A that apply

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and those that do not apply to owners and operators of IPCT's subject to this subpart.

[59 FR 46350, Sept. 8, 1994, as amended at 71 FR 17738, Apr. 7, 2006]

### § 63.401 Definitions.

Terms used in this subpart are defined in the Act, in subpart A of this part, or in this section as follows:

*Chromium-based water treatment chemicals* means any combination of chemical substances containing chromium used to treat water.

*Commenced* means, with respect to construction or reconstruction of an IPCT, that an owner or operator has undertaken a continuous program of construction or reconstruction or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or reconstruction.

*Compliance date* means the date by which an affected IPCT is required to be in compliance with this subpart.

*Construction* means the on-site fabrication, erection, or installation of an IPCT.

*Cooling tower* means an open water recirculating device that uses fans or natural draft to draw or force ambient air through the device to cool warm water by direct contact.

*Effective date* means September 8, 1994, for this subpart.

*Existing IPCT* means any affected IPCT that is not a new IPCT.

*Industrial process cooling tower*, also written as "IPCT," means any cooling tower that is used to remove heat that is produced as an input or output of a chemical or industrial process(es), as well as any cooling tower that cools industrial processes in combination with any heating, ventilation, or air conditioning system.

*Initial startup* means the initiation of recirculation water flow within the cooling tower.

*Major source* means any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of

any combination of hazardous air pollutants.

*New IPCT* means any affected IPCT the construction or reconstruction of which commenced after August 12, 1993.

*Owner or operator* means any person who owns, leases, operates, controls, or supervises an IPCT.

*Potential to emit* means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the stationary source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is federally enforceable.

*Reconstruction* means the replacement of components of an affected or a previously unaffected IPCT to such an extent that 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 IPCT.

*Responsible official* means one of the following:

(1) For a corporation: a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities and either:

(i) The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or

(ii) The delegation of authority to such representative is approved in advance by the Administrator.

(2) For a partnership or sole proprietorship: a general partner or the proprietor, respectively.

(3) For a municipality, State, Federal, or other public agency: either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer

of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of the EPA).

(4) For affected sources (as defined in this part) applying for or subject to a title V permit: “responsible official” shall have the same meaning as defined in part 70 of this chapter or Federal title V regulations (42 U.S.C. 7661), whichever is applicable.

*Water treatment chemicals* means any combination of chemical substances used to treat water in cooling towers, including corrosion inhibitors, antiscalants, dispersants, and any other chemical substances used to treat water.

#### § 63.402 Standard.

No owner or operator of an IPCT shall use chromium-based water treatment chemicals in any affected IPCT.

#### § 63.403 Compliance dates.

The requirements of § 63.402 of this subpart shall be applied on the following schedule:

(a) For existing IPCT's, the compliance date shall be 18 months after September 8, 1994.

(b) For new IPCT's that have an initial startup before September 8, 1994, the compliance date shall be September 8, 1994.

(c) For new IPCT's that have an initial startup on or after September 8, 1994, the compliance date shall be the date of the initial startup.

#### § 63.404 Compliance demonstrations.

No routine monitoring, sampling, or analysis is required. In accordance with section 114 of the Act, the Administrator or delegated authority can require cooling water sample analysis of an IPCT if there is information to indicate that the IPCT is not in compliance with the requirements of § 63.402 of this subpart. The owner or operator of an IPCT may demonstrate compliance through recordkeeping in accordance with paragraph (c) of this section in lieu of a water sample analysis. If cooling water sample analysis is required:

(a) The water sample analysis shall be conducted in accordance with Meth-

od 7196, Chromium, Hexavalent (Colorimetric), contained in the Third Edition of “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,” EPA Publication SW-846, (November 1986) and its Revision I, (December 1987), which are available for the cost of \$110.00 from the Government Printing Office, Superintendent of Documents, Washington, DC 20402, (202) 783-3238 (document number 955-001-00000-1; or Method 3500-Cr D, Colorimetric Method, contained in the 18th Edition of “Standard Methods for the Examination of Water and Wastewater” (1992), which is available from the American Public Health Association, 1015 15th Street, NW., Washington, DC 20005. These methods were approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be inspected as a part of Docket A-91-65, located at the Air and Radiation Docket and Information Center, room M1500, EPA Central Docket Section, 401 M St., SW., Washington, DC. Copies may be inspected at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

(b) On or after 3 months after the compliance date, a cooling water sample residual hexavalent chromium concentration equal to or less than 0.5 parts per million by weight shall indicate compliance with § 63.402. Alternatively, an owner or operator may demonstrate compliance through record keeping in accordance with paragraph (c).

(c) To demonstrate compliance with § 63.402, in lieu of the water sample analysis provided for in paragraph (a) of this section, the owner or operator of each IPCT may maintain records of water treatment chemical purchases, including invoices and other documentation that includes invoices and other documentation that includes date(s) of purchase or shipment, trade name or other information to identify composition of the product, and quantity of the product.

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(d) Following a request, by the Administrator or delegated authority, under paragraph (a) for a water sample analysis, failure to either meet the concentration level specified in paragraph (b) or provide the records specified in paragraph (c) shall indicate a violation of § 63.402.

[59 FR 46350, Sept. 8, 1994, as amended at 63 FR 39519, July 23, 1998; 69 FR 18803, Apr. 9, 2004]

### § 63.405 Notification requirements.

(a) *Initial notification.* (1) In accordance with § 63.9(b) of subpart A, owners or operators of all affected IPCT's that have an initial startup before September 8, 1994, shall notify the Administrator in writing. The notification, which shall be submitted not later than 12 months after September 8, 1994, shall provide the following information:

(i) The name and address of the IPCT owner or operator;

(ii) The address (i.e., physical location) of the affected IPCT;

(iii) A statement that the notification is being submitted as required by this subpart; and

(iv) A description of the type of water treatment program used in the affected IPCT, including the chemical name of each corrosion inhibitor ingredient used; the average concentration of those corrosion inhibitor ingredients maintained in the cooling water; and the material safety data sheet for each water treatment chemical or chemical compound used in the IPCT.

(2) In accordance with § 63.9(b) of subpart A, owners or operators of all affected IPCT's that have an initial startup on or after September 8, 1994, shall notify the Administrator in writing that the source is subject to the relevant standard no later than 12 months after initial startup. The notification shall provide all the information required in paragraphs (a)(1)(i) through (a)(1)(iv) of this section.

(b) *Notification of compliance status.* (1) In accordance with § 63.9(h) of subpart A, owners or operators of affected IPCT's shall submit to the Administrator a notification of compliance status within 60 days of the date on which the IPCT is brought into compliance with § 63.402 of this subpart and not

later than 18 months after September 8, 1994.

(2) The notification of compliance status must:

(i) Be signed by a responsible official who also certifies the accuracy of the report;

(ii) Certify that source has complied with § 63.402 of this subpart; and

(iii) Include the information required in paragraph (a)(1)(iv) of this section.

(iv) Include the following statement:

I certify that no chromium-based water treatment chemicals have been introduced since (the initial compliance date) into any IPCT located within the facility for any purpose.

### § 63.406 Recordkeeping and reporting requirements.

To demonstrate continuing compliance with § 63.402 of this subpart, the owner or operator of each affected IPCT shall maintain copies of the initial notification and the notification of compliance status as required by § 63.405 of this subpart for a period of at least 5 years onsite.

### § 63.407 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.

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(1) Approval of alternatives to the requirements in §§ 63.400 and 63.402 through 63.403.

(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 37348, June 23, 2003]

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

| Reference                                                                        | Applies to Subpart Q | Comment                                                                                                                                                                                                           |
|----------------------------------------------------------------------------------|----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 63.1 .....                                                                       | Yes.                 |                                                                                                                                                                                                                   |
| 63.2 .....                                                                       | Yes.                 |                                                                                                                                                                                                                   |
| 63.3 .....                                                                       | No.                  |                                                                                                                                                                                                                   |
| 63.4 .....                                                                       | Yes.                 |                                                                                                                                                                                                                   |
| 63.5 .....                                                                       | No.                  |                                                                                                                                                                                                                   |
| 63.6 (a), (b), (c), and (j) .....                                                | Yes.                 |                                                                                                                                                                                                                   |
| 63.6 (d), (e), (f), (g), (h), and (i) .....                                      | No.                  |                                                                                                                                                                                                                   |
| 63.7 .....                                                                       | No.                  |                                                                                                                                                                                                                   |
| 63.8 .....                                                                       | No.                  |                                                                                                                                                                                                                   |
| 63.9 (a), (b)(1), (b)(3), (c), (h)(1), (h)(3), (h)(6), and (j).                  | Yes.                 |                                                                                                                                                                                                                   |
| 63.9 (b)(2), (b)(4), (b)(5), (b)(6), (d), (e), (f), (g), (h)(2), (h)(4), (h)(5). | No .....             | Requirements for initial notifications and notifications of compliance status are specified in § 63.405(a) and § 63.405(b), respectively, of subpart Q; other provisions of subpart A are not relevant to IPCT's. |
| 63.10 (a), (b)(1), (b)(2)(xii), (b)(2)(xiv), (b)(3), (d), and (f).               | Yes .....            | Section 63.406 requires an onsite record retention of 5 years.                                                                                                                                                    |
| 63.10 (b)(2) (i) to (xi), (c), and (e) .....                                     | No.                  |                                                                                                                                                                                                                   |
| 63.11 .....                                                                      | No.                  |                                                                                                                                                                                                                   |
| 63.12 to 63.15 .....                                                             | Yes.                 |                                                                                                                                                                                                                   |

## Subpart R—National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations)

SOURCE: 59 FR 64318, Dec. 14, 1994, unless otherwise noted.

### § 63.420 Applicability.

(a) The affected source to which the provisions of this subpart apply is each bulk gasoline terminal, except those bulk gasoline terminals:

(1) For which the owner or operator has documented and recorded to the Administrator's satisfaction that the result,  $E_T$ , of the following equation is less than 1, and complies with requirements in paragraphs (c), (d), (e), and (f) of this section:

$$E_T = \frac{CF[0.59(T_F)(1-CE)+0.17(T_E)+0.08(T_{ES})+0.038(T_1)+8.5 \times 10^{-6}(C)+KQ]+0.04(OE)}{1}$$

where:

$E_T$  = emissions screening factor for bulk gasoline terminals;

$CF=0.161$  for bulk gasoline terminals and pipeline breakout stations that do not handle any reformulated or oxygenated gasoline containing 7.6 percent by volume or greater methyl tert-butyl ether (MTBE), OR

$CF=1.0$  for bulk gasoline terminals and pipeline breakout stations that handle reformulated or oxygenated gasoline containing 7.6 percent by volume or greater MTBE;

$CE$ =control efficiency limitation on potential to emit for the vapor processing system used to control emissions from fixed-roof gasoline storage vessels [value should be added in decimal form (percent divided by 100)];

$T_F$  = total number of fixed-roof gasoline storage vessels without an internal floating roof;

$T_E$  = total number of external floating roof gasoline storage vessels with only primary seals;

$T_{ES}$  = total number of external floating roof gasoline storage vessels with primary and secondary seals;