

Environmental Protection Agency

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dated January 29, 2002, effective April 1, 2002, and any mutually acceptable amendments to the terms described in the direct final rule.

(iv) Allegheny County is delegated the authority to implement and enforce all existing 40 CFR part 63 standards and all future unchanged 40 CFR part 63 standards at sources within Allegheny County, in accordance with the final rule, dated January 30, 2002, effective April 1, 2002, and any mutually acceptable amendments to the terms described in the direct final rule.

(v) Allegheny County is delegated the authority to implement and enforce the provisions of 40 CFR part 68 and all future unchanged amendments to 40 CFR part 68 at sources within Allegheny County, in accordance with the final rule, dated January 30, 2002, effective April 1, 2002, and any mutually acceptable amendments to the terms described in the direct final rule.

(39)–(45) [Reserved]

(46) *Virginia.* (i) Virginia is delegated the authority to implement and enforce all existing and future unchanged 40 CFR part 63 standards at major sources, as defined in 40 CFR part 70, in accordance with the delegation agreement between EPA Region III and the Virginia Department of Environmental Quality, dated April 20, 1998, and any

mutually acceptable amendments to that agreement.

(ii) Virginia is delegated the authority to implement and enforce all existing 40 CFR part 63 standards and all future unchanged 40 CFR part 63 standards, if delegation is sought by the Virginia Department of Environmental Quality and approved by EPA Region III, at affected sources which are not located at major sources, as defined in 40 CFR part 70, in accordance with the final rule, dated January 8, 2002, effective March 11, 2002, and any mutually acceptable amendments to the terms described in the direct final rule.

(47) *Washington.* (i) The following table lists the delegation status of specific part 63 Subparts that have been delegated to state and local air pollution control agencies in Washington. An “X” indicates the subpart has been delegated, subject to all the conditions and limitations set forth in Federal law, regulations, policy, guidance, and determinations. Some authorities cannot be delegated and are retained by EPA. These include certain General Provisions authorities and specific parts of some standards. The dates noted at the end of this table indicate the effective dates of Federal rules that have been delegated. Any amendments made to these rules after this effective date are not delegated.

DELEGATION STATUS FOR PART 63 STANDARDS—STATE OF WASHINGTON¹

40 CFR Part 63, Subparts ²	Ecology ³	BCAA ⁴	NWAPA ⁵	OAPCA ⁶	PSCAA ⁷	SCAPCA ⁸	SWCAA ⁹	YRCAA ¹⁰
A General Provisions ¹¹ .	X	X	X	X	X	X	X	X
D Early Reductions	X	X	X	X	X	X	X	X
F HON-SOCMI	X	X	X	X	X	X	X	X
G HON-Process Vents.	X	X	X	X	X	X	X	X
H HON-Equipment Leaks.	X	X	X	X	X	X	X	X
I HON-Negotiated Leaks.	X	X	X	X	X	X	X	X
L Coke Oven Batteries.	X	X	X	X	X	X	X	X
M Perchloroethylene Dry Cleaning.	X ³	X ⁴	X		X ⁷	X ⁸	X	X ¹⁰
N Chromium Electroplating.	X	X	X	X	X	X	X	X
O Ethylene Oxide Sterilizers.	X	X	X	X	X	X	X	X
Q Industrial Process Cooling Towers.	X	X	X	X	X	X	X	X
R Gasoline Distribution.	X	X	X	X	X	X	X	X
S Pulp and Paper ¹²	X		⁵	X ⁶	X ⁷	X ⁸	X ⁹	X ¹⁰
T Halogenated Solvent Cleaning.	X	X	X	X	X	X	X	X

DELEGATION STATUS FOR PART 63 STANDARDS—STATE OF WASHINGTON¹—Continued

40 CFR Part 63, Sub-parts ²	Ecology ³	BCAA ⁴	NWAPA ⁵	OAPCA ⁶	PSCAA ⁷	SCAPCA ⁸	SWCAA ⁹	YRCAA ¹⁰
U Polymers and Resins I.	X	X	X	X	X	X	X	X
W Polymers and Resins II—Epoxy.	X	X	X	X	X	X	X	X
X Secondary Lead Smelting.	X	X	X	X	X	X	X	X
Y Marine Tank Vessel Loading.	X	X	X		X	X	X	
AA Phosphoric Acid Manufacturing Plants.	X	X	X	X	X	X		X
BB Phosphate Fertilizers Production Plants.	X	X	X	X	X	X		X
CC Petroleum Refineries.	X	X	X	X	X	X	X	X
DD Off-Site Waste and Recovery.	X	X	X	X	X	X	X	X
EE Magnetic Tape Manufacturing.	X	X	X	X	X	X	X	X
GG Aerospace Manufacturing & Re-work.	X	X	X	X	X	X	X	X
HH Oil and Natural Gas Production Facilities.	X	X	X	X	X	X		X
II Shipbuilding and Ship Repair.	X	X	X	X	X	X	X	X
JJ Wood Furniture Manufacturing Operations.	X	X	X	X	X	X	X	X
KK Printing and Publishing Industry.	X	X	X	X	X	X	X	X
LL Primary Aluminum ¹³ .	X							
MM Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semicheical Pulp Mills ¹⁴ .	X							
OO Tanks—Level 1	X	X	X	X	X	X		X
PP Containers	X	X	X	X	X	X		X
QQ Surface Impoundments.	X	X	X	X	X	X		X
RR Individual Drain Systems.	X	X	X	X	X	X		X
SS Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or Process.	X	X	X	X	X	X		X
TT Equipment Leaks—Control Level 1.	X	X	X	X	X	X		X
UU Equipment Leaks—Control Level 2.	X	X	X	X	X	X		X
VV Oil-Water Separators and Organic-Water Separators.	X	X	X	X	X	X		X
WW Storage Vessels (Tanks)—Control Level 2.	X	X	X		X	X		
YY Source Categories: Generic MACT.	X	X	X		X	X		

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DELEGATION STATUS FOR PART 63 STANDARDS—STATE OF WASHINGTON¹—Continued

40 CFR Part 63, Subparts ²	Ecology ³	BCAA ⁴	NWAPA ⁵	OAPCA ⁶	PSCAA ⁷	SCAPCA ⁸	SWCAA ⁹	YRCAA ¹⁰
CCC Steel Pickling—HCl Process Facilities and Hydrochloric Acid Regeneration Plants.	X	X	X		X	X		
DDD Mineral Wool Production.	X	X	X		X	X		
EEE Hazardous Waste Combustors.	X	X	X		X	X		
GGG Pharmaceuticals Production.	X	X	X		X	X		
HHH Natural Gas Transmission and Storage Facilities.	X	X	X		X	X		
III Flexible Polyurethane Foam Production.	X	X	X		X	X		X
JJJ Polymers and Resins IV.	X	X	X		X	X	X	
LLL Portland Cement Manufacturing.	X	X	X		X	X		
MMM Pesticide Active Ingredient Production.	X	X	X		X	X		
NNN Wool Fiberglass Manufacturing.	X	X	X		X	X		
OOO Manufacture of Amino Phenolic Resins.	X	X	X		X	X		
PPP Polyether Polyols Production.	X	X	X		X	X		
RRR Secondary Aluminum Production.	X	X			X	X		
TTT Primary Lead Smelting.	X	X	X		X	X		
VVV Publicly Owned Treatment Works.	X	X	X		X	X		
XXX Ferroalloys Production: Ferromanganese & Silicomanganese.	X	X	X		X	X		
CCCC Manufacture of Nutritional Yeast.					X			
GGGG Extraction of Vegetable Oil.					X			
VVVV Boat Manufacturing.								

¹ Table last updated on April 15, 2002. See 40 CFR 61.04(b)(WW) for agency addresses.
² Any authority within any subpart of this part that is identified as not delegatable, is not delegated.
³ Washington State Department of Ecology (03/13/2001 for MM, 02/20/2001 for all others). Note: delegation of subpart M applies only to those sources required to obtain an operating permit under Title V of the Clean Air Act.
⁴ Benton Clean Air Agency (02/20/2001). Note: delegation of subpart M applies only to those sources required to obtain an operating permit under Title V of the Clean Air Act.
⁵ Northwest Air Pollution Control Agency (07/01/2000). Note: delegation of subpart S applies to all applicable facilities and processes except Kraft and Sulfite Pulping Mills (see footnote 12).
⁶ Olympic Air Pollution Control Agency (07/01/2000). Note: delegation of subpart M applies only to those sources required to obtain an operating permit under Title V of the Clean Air Act; delegation of subpart S applies to all applicable facilities and processes except Kraft and Sulfite Pulping Mills (see footnote 12).
⁷ Puget Sound Clean Air Agency (07/01/2001). Note: delegation of subpart S applies to all applicable facilities and processes except Kraft and Sulfite Pulping Mills (see footnote 12). For information about delegation of subpart M, see paragraph (a)(47)(ii) of this section.
⁸ Spokane County Air Pollution Control Agency (02/20/2001). Note: delegation of subpart M applies only to those sources required to obtain an operating permit under Title V of the Clean Air Act; delegation of subpart S applies to all applicable facilities and processes except Kraft and Sulfite Pulping Mills (see footnote 12).
⁹ Southwest Clean Air Agency (08/01/1998). Note: delegation of subpart S applies to all applicable facilities and processes except Kraft and Sulfite Pulping Mills (see footnote 12).
¹⁰ Yakima Regional Clean Air Authority (07/01/2000). Note: delegation of subpart M applies only to those sources required to obtain an operating permit under Title V of the Clean Air Act; delegation of subpart S applies to all applicable facilities and processes except Kraft and Sulfite Pulping Mills (see footnote 12).
¹¹ General Provisions Authorities which are not delegated include approval of major alternatives to test methods, approval of major alternatives to monitoring, and any sections in the subparts pertaining to approval of alternative standards (i.e., alternative means of emission limitations). For definitions of minor, intermediate, and major alternatives to test methods and monitoring, see § 63.90.

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¹² Subpart S of this part as it pertains to Kraft and Sulfite Pulping Mills cannot be delegated to any local agencies in Washington. The Washington State Department of Ecology retains sole authority to regulate Kraft and Sulfite Pulping Mills, pursuant to Washington State Administrative Code 173-405-012 and 173-410-012.

¹³ Subpart LL of this part cannot be delegated to any local agencies in Washington because the Washington State Department of Ecology retains sole authority to regulate Primary Aluminum Plants, pursuant to Washington Administrative Code 173-415-010.

¹⁴ Subpart MM of this part cannot be delegated to any local agencies in Washington because the Washington State Department of Ecology retains sole authority to regulate Kraft and Sulfite Pulping Mills, pursuant to Washington State Administrative Code 173-405-012 and 173-410-012.

(ii) Affected area sources within Puget Sound Clean Air's jurisdiction must comply with Puget Sound Clean Air's Regulation III, sections 3.03, Perchloroethylene Dry Cleaners, (incorporated by reference as specified in 40 CFR 63.14) as follows:

(A) The material incorporated in Puget Sound Clean Air's Regulation III, section 3.03, Perchloroethylene Dry Cleaners, pertains to the perchloroethylene dry cleaning source category in the Puget Sound Clean Air jurisdiction, and has been approved under the procedures in 40 CFR 63.93 to be implemented and enforced in place of the federal NESHAPs for Perchloroethylene Dry Cleaning Facilities (40 CFR part 63, subpart M), for area sources, as defined in 40 CFR 63.320(h).

(1) Authorities not delegated.

(i) Puget Sound Clean Air is not delegated the authority to implement and enforce Puget Sound Clean Air Regulation III, sections 3.03 in lieu of those provisions of Subpart M which applies to major sources, as defined in 40 CFR 63.320(g). Dry cleaning facilities which are major sources remain subject to subpart M.

(ii) Puget Sound Clean Air is not delegated the authority of 40 CFR 63.325 to determine equivalency of emissions control technologies. Any source seeking permission to use an alternative means of emission limitation under Puget Sound Clean Air Regulation I, section 3.23 must also receive approval from the Administrator before using such alternative means of emission limitation for the purpose of complying with section 112.

(B) [Reserved]

NOTE TO PARAGRAPH (a)(47): Dates in parenthesis indicate the effective date of the federal rules that have been adopted by and delegated to the state or local air pollution control agency. Therefore, any amendments made to these delegated rules after this effective date are not delegated to the agency.

(48) *West Virginia.* (i) West Virginia is delegated the authority to implement and enforce all existing and future unchanged 40 CFR part 63 standards at major sources, as defined in 40 CFR part 70, in accordance with the delegation agreement between EPA Region III and the West Virginia Department of Environmental Protection, dated March 19, 2001, and any mutually acceptable amendments to that agreement.

(ii) West Virginia is delegated the authority to implement and enforce all existing 40 CFR part 63 standards and all future unchanged 40 CFR part 63 standards, if delegation is sought by the West Virginia Department of Environmental Protection and approved by EPA Region III, at affected sources which are not located at major sources, as defined in 40 CFR part 70, in accordance with the final rule, dated April 2, 2002, effective June 3, 2002, and any mutually acceptable amendments to the terms described in the direct final rule.

[61 FR 25399, May 21, 1996]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 63.99, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

EFFECTIVE DATE NOTE: At 68 FR 31615, May 28, 2003, § 63.99 was amended by adding paragraph (a)(29)(iii) effective July 28, 2003. For the convenience of the user, the added text is set forth as follows.

§ 63.99 Delegated Federal authorities.

- (a) * * *
- (29) *New Hampshire.*
- (i) * * *
- (ii) * * *

(iii) Affected inactive waste disposal sites not operated after July 9, 1981 must comply with the New Hampshire Regulations Applicable to Hazardous Air Pollutants, March, 2003, (incorporated by reference as specified in § 63.14) as described as follows:

(A) The material incorporated in the New Hampshire Regulations Applicable to Hazardous Air Pollutants, March, 2003, (incorporated by reference as specified in § 63.14)

pertains to inactive waste disposal sites not operated after July 9, 1981 in the State of New Hampshire's jurisdiction, and has been approved under the procedures in 40 CFR 63.93 to be implemented and enforced in place of the Federal NESHAPs for Inactive Waste Disposal Sites (40 CFR 61.151).

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Subpart F—National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry

SOURCE: 59 FR 19454, Apr. 22, 1994, unless otherwise noted.

§ 63.100 Applicability and designation of source.

(a) This subpart provides applicability provisions, definitions, and other general provisions that are applicable to subparts G and H of this part.

(b) Except as provided in paragraphs (b)(4) and (c) of this section, the provisions of subparts F, G, and H of this part apply to chemical manufacturing process units that meet all the criteria specified in paragraphs (b)(1), (b)(2), and (b)(3) of this section:

(1) Manufacture as a primary product one or more of the chemicals listed in paragraphs (b)(1)(i) or (b)(1)(ii) of this section.

(i) One or more of the chemicals listed in table 1 of this subpart; or

(ii) One or more of the chemicals listed in paragraphs (b)(1)(ii)(A) or (b)(1)(ii)(B) of this section:

(A) Tetrahydrobenzaldehyde (CAS Number 100-50-5); or

(B) Crotonaldehyde (CAS Number 123-73-9).

(2) Use as a reactant or manufacture as a product, or co-product, one or more of the organic hazardous air pollutants listed in table 2 of this subpart;

(3) Are located at a plant site that is a major source as defined in section 112(a) of the Act.

(4) The owner or operator of a chemical manufacturing processing unit is exempt from all requirements of subparts F, G, and H of this part until not later than April 22, 1997 if the owner or operator certifies, in a notification to the appropriate EPA Regional Office,

not later than May 14, 1996, that the plant site at which the chemical manufacturing processing unit is located emits, and will continue to emit, during any 12-month period, less than 10 tons per year of any individual hazardous air pollutants (HAP), and less than 25 tons per year of any combination of HAP.

(i) If such a determination is based on limitations and conditions that are not federally enforceable (as defined in subpart A of this part), the owner or operator shall document the basis for the determination as specified in paragraphs (b)(4)(i)(A) through (b)(4)(i)(C) and comply with the recordkeeping requirement in 63.103(f).

(A) The owner or operator shall identify all HAP emission points at the plant site, including those emission points subject to and emission points not subject to subparts F, G, and H;

(B) The owner or operator shall calculate the amount of annual HAP emissions released from each emission point at the plant site, using acceptable measurement or estimating techniques for maximum expected operating conditions at the plant site. Examples of estimating procedures that are considered acceptable include the calculation procedures in § 63.150 of subpart G, the early reduction demonstration procedures specified in §§ 63.74 (c)(2), (c)(3), (d)(2), (d)(3), and (g), or accepted engineering practices. If the total annual HAP emissions for the plant site are annually reported under Emergency Planning and Community Right-to-Know Act (EPCRA) section 313, then such reported annual emissions may be used to satisfy the requirements of § 63.100(b)(4)(i)(B).

(C) The owner or operator shall sum the amount of annual HAP emissions from all emission points on the plant site. If the total emissions of any one HAP are less than 10 tons per year and the total emissions of any combination of HAP are less than 25 tons per year, the plant site qualifies for the exemption described in paragraph (b)(4) of this section, provided that emissions are kept below these thresholds.

(ii) If such a determination is based on limitations and conditions that are