

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).

\* \* \* \* \*

### 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

federally enforceable (as defined in subpart A of this part), the owner or operator is not subject to the provisions of paragraph (b)(4) of this section.

(c) The owner or operator of a chemical manufacturing process unit that meets the criteria specified in paragraphs (b)(1) and (b)(3) of this section but does not use as a reactant or manufacture as a product or co-product, any organic hazardous air pollutant listed in table 2 of this subpart shall comply only with the requirements of § 63.103(e) of this subpart. To comply with this subpart, such chemical manufacturing process units shall not be required to comply with the provisions of subpart A of this part.

(d) The primary product of a chemical manufacturing process unit shall be determined according to the procedures specified in paragraphs (d)(1), (d)(2), (d)(3), and (d)(4) of this section.

(1) If a chemical manufacturing process unit produces more than one intended chemical product, the product with the greatest annual design capacity on a mass basis determines the primary product of the process.

(2) If a chemical manufacturing process unit has two or more products that have the same maximum annual design capacity on a mass basis and if one of those chemicals is listed in table 1 of this subpart, then the listed chemical is considered the primary product and the chemical manufacturing process unit is subject to this subpart. If more than one of the products is listed in table 1 of this subpart, then the owner or operator may designate as the primary product any of the listed chemicals and the chemical manufacturing process unit is subject to this subpart.

(3) For chemical manufacturing processes units that are designed and operated as flexible operation units producing one or more chemicals listed in table 1 of this subpart, the primary product shall be determined for existing sources based on the expected utilization for the five years following April 22, 1994 and for new sources based on the expected utilization for the first five years after initial start-up.

(i) If the predominant use of the flexible operation unit, as described in paragraphs (d)(3)(i)(A) and (d)(3)(i)(B) of this section, is to produce one or

more chemicals listed in table 1 of this subpart, then the flexible operation unit shall be subject to the provisions of subparts F, G, and H of this part.

(A) If the flexible operation unit produces one product for the greatest annual operating time, then that product shall represent the primary product of the flexible operation unit.

(B) If the flexible operation unit produces multiple chemicals equally based on operating time, then the product with the greatest annual production on a mass basis shall represent the primary product of the flexible operation unit.

(ii) The determination of applicability of this subpart to chemical manufacturing process units that are designed and operated as flexible operation units shall be reported as part of an operating permit application or as otherwise specified by the permitting authority.

(4) Notwithstanding the provisions of paragraph (d)(3) of this section, for chemical manufacturing process units that are designed and operated as flexible operation units producing a chemical listed in paragraph (b)(1)(ii) of this section, the primary product shall be determined for existing sources based on the expected utilization for the five years following May 12, 1998 and for new sources based on the expected utilization for the first five years after initial start-up.

(i) The predominant use of the flexible operation unit shall be determined according to paragraphs (d)(3)(i)(A) and (d)(3)(i)(B) of this section. If the predominant use is to produce one of the chemicals listed in paragraph (b)(1)(ii) of this section, then the flexible operation unit shall be subject to the provisions of this subpart and subparts G and H of this part.

(ii) The determination of applicability of this subpart to chemical manufacturing process units that are designed and operated as flexible operation units shall be reported as part of an operating permit application or as otherwise specified by the permitting authority.

(e) The source to which this subpart applies is the collection of all chemical manufacturing process units and the associated equipment at a major source

that meet the criteria specified in paragraphs (b)(1) through (3) of this section. The source includes the process vents; storage vessels; transfer racks; waste management units; maintenance wastewater; heat exchange systems; equipment identified in §63.149; and pumps, compressors, agitators, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, connectors, instrumentation systems, surge control vessels, and bottoms receivers that are associated with that collection of chemical manufacturing process units. The source also includes equipment required by, or utilized as a method of compliance with, subparts F, G, or H of this part which may include control devices and recovery devices.

(1) This subpart applies to maintenance wastewater and heat exchange systems within a source that is subject to this subpart.

(2) This subpart F and subpart G of this part apply to process vents, storage vessels, transfer racks, equipment identified in §63.149 of subpart G of this part, and wastewater streams and associated treatment residuals within a source that is subject to this subpart.

(3) This subpart F and subpart H of this part apply to pumps, compressors, agitators, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, connectors, instrumentation systems, surge control vessels, and bottoms receivers within a source that is subject to this subpart. If specific items of equipment, comprising part of a chemical manufacturing 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 chemical manufacturing process unit within the source for all purposes under subpart H of this part, providing there is no delay in the applicable compliance date in §63.100(k).

(f) The source includes the emission points listed in paragraphs (f)(1) through (f)(11) of this section, but those emission points are not subject to the requirements of this subpart F and subparts G and H of this part. This subpart does not require emission

points that are listed in paragraphs (f)(1) through (f)(11) of this section to comply with the provisions of subpart A of this part.

(1) Equipment that is located within a chemical manufacturing process unit that is subject to this subpart but the equipment does not contain organic hazardous air pollutants.

(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 storing organic liquids that contain organic hazardous air pollutants only as impurities;

(9) Loading racks, loading arms, or loading hoses that only transfer liquids containing organic hazardous air pollutants as impurities;

(10) Loading racks, loading arms, or loading hoses that vapor balance during all loading operations; and

(11) Equipment that is intended to operate in organic hazardous air pollutant service, as defined in §63.161 of subpart H of this part, for less than 300 hours during the calendar year.

(g) The owner or operator shall follow the procedures specified in paragraphs (g)(1) through (g)(4) of this section to determine whether a storage vessel is part of the source to which this subpart applies.

(1) Where a storage vessel is dedicated to a chemical manufacturing process unit, the storage vessel shall be considered part of that chemical manufacturing process unit.

(i) If the chemical manufacturing process unit is subject to this subpart according to the criteria specified in paragraph (b) of this section, then the storage vessel is part of the source to which this subpart applies.

(ii) If the chemical manufacturing process unit is not subject to this subpart according to the criteria specified in paragraph (b) of this section, then the storage vessel is not part of the source to which this subpart applies.

(2) If a storage vessel is not dedicated to a single chemical manufacturing