

§ 63.60

Benzyltrimethylammonium Chloride Production.  
 Carbonyl Sulfide Production.  
 Chelating Agents Production.  
 Chlorinated Paraffins Production.  
 Ethylidene Norbornene Production.  
 Explosives Production.  
 Hydrazine Production.  
 OBPA/1,3-Diisocyanate Production.  
 Photographic Chemicals Production.  
 Phthalate Plasticizers Production.  
 Rubber Chemicals Manufacturing.  
 Symmetrical Tetrachloropyridine Production.

[68 FR 32603, May 30, 2003]

**Subpart C—List of Hazardous Air Pollutants, Petitions Process, Lesser Quantity Designations, Source Category List**

**§ 63.60 Deletion of caprolactam from the list of hazardous air pollutants.**

The substance caprolactam (CAS number 105602) is deleted from the list of hazardous air pollutants established by 42 U.S.C. 7412(b)(1).

[61 FR 30823, June 18, 1996]

**§ 63.61 [Reserved]**

**§ 63.62 Redefinition of glycol ethers listed as hazardous air pollutants.**

The following definition of the glycol ethers category of hazardous air pollutants applies instead of the definition set forth in 42 U.S.C. 7412(b)(1), footnote 2: Glycol ethers include mono- and di-ethers of ethylene glycol, diethylene glycol, and triethylene glycol R-(OCH<sub>2</sub>CH<sub>2</sub>)<sub>n</sub>-OR'.

Where:

- n = 1, 2, or 3;
- R = alkyl C7 or less; or
- R = phenyl or alkyl substituted phenyl;
- R' = H or alkyl C7 or less; or
- OR' consisting of carboxylic acid ester, sulfate, phosphate, nitrate, or sulfonate.

[65 FR 47348, Aug. 2, 2000]

40 CFR Ch. I (7–1–03 Edition)

§§ 63.63–63.69 [Reserved]

**Subpart D—Regulations Governing Compliance Extensions for Early Reductions of Hazardous Air Pollutants**

**§ 63.70 Applicability.**

The provisions of this subpart apply to an owner or operator of an existing source who wishes to obtain a compliance extension from a standard issued under section 112(d) of the Act. The provisions of this subpart also apply to a State or local agency acting pursuant to a permit program approved under title V of the Act. The Administrator will carry out the provisions of this subpart for any State that does not have an approved permit program.

**§ 63.71 Definitions.**

All terms used in this subpart not defined in this section are given the same meaning as in the Act.

*Act* means the Clean Air Act as amended.

*Actual emissions* means the actual rate of emissions of a pollutant, but does not include excess emissions from a malfunction, or startups and shutdowns associated with a malfunction. Actual emissions shall be calculated using the source's actual operating rates, and types of materials processed, stored, or combusted during the selected time period.

*Artificially or substantially greater emissions* means abnormally high emissions such as could be caused by equipment malfunctions, accidents, unusually high production or operating rates compared to historical rates, or other unusual circumstances.

*EPA conditional method* means any method of sampling and analyzing for air pollutants that has been validated by the Administrator but that has not been published as an EPA Reference Method.

*EPA reference method* means any method of sampling and analyzing for

an air pollutant as described in appendix A of part 60 of this chapter, appendix B of part 61 of this chapter, or appendix A of part 63.

*Equipment leaks* means leaks from pumps, compressors, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, connectors, agitators, accumulator vessels, and instrumentation systems in hazardous air pollutant service.

*Existing source* means any source as defined in § 63.72, the construction or reconstruction of which commenced prior to proposal of an applicable section 112(d) standard.

*Hazardous air pollutant (HAP)* means any air pollutant listed pursuant to section 112(b) of the Act.

*High-risk pollutant* means a hazardous air pollutant listed in Table 1 of § 63.74.

*Malfunction* means any sudden failure of air pollution control equipment or process equipment or of a process to operate in a normal or usual manner. Failures that are caused entirely or in part by poor maintenance, careless operation, or any other preventable upset condition or preventable equipment breakdown shall not be considered malfunctions.

*Not feasible to prescribe or enforce a numerical emission limitation* means a situation in which the Administrator or a State determines that a pollutant (or stream of pollutants) listed pursuant to section 112(b) of the Act cannot be emitted through a conveyance designed and constructed to emit or capture such pollutant, or that any requirement for, or use of, such a conveyance would be inconsistent with any Federal law; or the application of measurement technology to a particular source is not practicable due to technological or economic limitations.

*Permitting authority* means either a State agency with an approved permitting program under Title V of the Act or the Administrator in cases where the State does not have an approved permitting program.

*Post-reduction year* means the one year period beginning with the date early reductions have to be achieved to qualify for a compliance extension under subpart D of this part, unless a source has established with the permit-

ting authority an earlier one year period as the post-reduction year. For most sources, the post-reduction year would begin with the date of proposal of the first section 112(d) standard applicable to the early reductions source; however, for sources that have made enforceable commitments, it would be the year from January 1, 1994, through December 31, 1994.

*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 applying for or subject to a permit 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 permitting authority.

(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., Regional Administrators of EPA).

*Reviewing agency* means a State agency with an approved permitting program under Title V of the Act. An EPA Regional Office is the reviewing agency where the State does not have such an approved permitting program.

*State* means a State or local air pollution control agency.

[57 FR 61992, Dec. 29, 1992, as amended at 59 FR 59924, Nov. 21, 1994]