

**§ 63.1048**

**40 CFR Ch. I (7–1–04 Edition)**

(ii) The owner or operator must perform an initial inspection following installation of the fixed roof. Thereafter, the owner or operator must perform the inspections at least once every calendar year except as provided for in paragraph (e) of this section.

(iii) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of paragraph (d) of this section.

(iv) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in § 63.1048(a)(2) of this subpart.

(2) The owner or operator shall inspect and monitor the closed-vent system and the control device in accordance with the requirements specified in § 63.693 in 40 CFR 63 subpart DD—National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations.

(d) The owner or operator shall repair all detected defects as follows:

(1) The owner or operator shall make first efforts at repair of the defect no later than 5 calendar days after detection and repair shall be completed as soon as possible but no later than 45 calendar days after detection except as provided in paragraph (d)(2) of this section.

(2) Repair of a defect may be delayed beyond 45 calendar days if the owner or operator determines that repair of the defect requires emptying or temporary removal from service of the separator and no alternative treatment capacity is available at the facility site to accept the regulated-material normally treated in the separator. In this case, the owner or operator shall repair the defect at the next time the process or unit that is generating the regulated-material managed in the separator stops operation. Repair of the defect shall be completed before the process or unit resumes operation.

(3) The owner or operator shall maintain a record of the defect repair in accordance with the requirements specified in § 63.1048(a)(3) of this subpart.

(e) *Alternative inspection interval.* Following the initial inspection of a fixed roof in accordance with the applicable provisions of this section, subsequent inspection of the fixed roof may be per-

formed at intervals longer than 1 year when an owner or operator determines that performing the required inspection would expose a worker to dangerous, hazardous, or otherwise unsafe conditions and the owner or operator complies with the requirements specified in paragraphs (e)(1) and (e)(2) of this section.

(1) The owner or operator must prepare and maintain at the plant site written documentation identifying the specific fixed roof designated as “unsafe to inspect.” The documentation must include for each fixed roof designated as such a written explanation of the reasons why the fixed roof is unsafe to inspect using the applicable procedures under this section.

(2) The owner or operator must develop and implement a written plan and schedule to inspect and monitor the fixed roof using the applicable procedures specified in this section during times when a worker can safely access the fixed roof. The required inspections and monitoring must be performed as frequently as practicable but do not need to be performed more frequently than the periodic schedule that would be otherwise applicable to the fixed roof under the provisions of this section. A copy of the written plan and schedule must be maintained at the plant site.

[61 FR 34195, July 1, 1996, as amended at 64 FR 38992, July 20, 1999]

**§ 63.1048 Recordkeeping requirements.**

(a) Each owner or operator shall prepare and maintain the following records:

(1) Documentation describing the design of each floating roof and fixed roof installed on a separator, as applicable to the separator. When a floating roof is used, the documentation shall include the dimensions of the separator bay or section in which the floating roof is installed.

(2) A record for each inspection required by § 63.1047 of this subpart that includes the following information: a separator identification number (or other unique identification description as selected by the owner or operator) and the date of inspection.

(3) The owner or operator shall record for each defect detected during

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inspections required by § 63.1047 of this subpart the following information: the location of the defect, a description of the defect, the date of detection, and corrective action taken to repair the defect. In the event that repair of the defect is delayed in accordance with the provisions of § 63.1047(d)(2) of this section, the owner or operator shall also record the reason for the delay and the date that completion of repair of the defect is expected.

(b) Owners and operators that use a separator equipped with a floating roof in accordance with the provisions of § 63.1043 of this subpart shall prepare and maintain records for each inspection required by § 63.1047(b)(1) describing the results of the seal gap measurements. The records shall include the date of the measurements performed, the raw data obtained for the measurements, and the calculations of the total gap surface area. In the event that the seal gap measurements do not conform to the specifications in § 63.1043(b)(2) of this subpart, the records shall include a description of the repairs that were made, the date the repairs were made, and the date the separator was emptied, if necessary.

(c) Owners and operators that use a separator equipped with a fixed-roof and vented through a closed-vent system to a control device in accordance with the provisions of § 63.1044 of this subpart shall prepare and maintain the records required for the closed-vent system and control device in accordance with the requirements of § 63.693 in 40 CFR 63 subpart DD—National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations.

### § 63.1049 Reporting requirements.

(a) Owners and operators that use a separator equipped with a floating roof in accordance with the provisions of § 63.1043 of this subpart shall notify the Administrator at least 30 calendar days prior to each seal gap measurement inspection performed to comply with the requirements in § 63.1047(b)(1) of this subpart.

(b) Owners and operators that use a separator equipped with a fixed-roof and vented through a closed-vent system to a control device in accordance

with the provisions of § 63.1044 of this subpart shall prepare and submit to the Administrator the reports required for closed-vent systems and control devices in accordance with the requirements of § 63.693 in 40 CFR 63 subpart DD—National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations.

### § 63.1050 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 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 §§ 63.1040 and 63.1042 through 63.1045. Where these standards reference subpart DD, the cited provisions will be delegated according to the delegation provisions of subpart DD of this part.

(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 37355, June 23, 2003]