

## Environmental Protection Agency

## § 63.1309

(1) For each affected source complying with § 63.1299 in accordance with the rolling annual compliance option in § 63.1299(a), each calendar day in the 12-month period for which the actual HAP ABA emissions exceeded the allowable HAP ABA emissions level, each calendar day in which foam is being poured where the amount of polyol added at the mixhead is not monitored (as required) in accordance with § 63.1303(b)(1)(i), each calendar day in a week in which the amount of HAP ABA in a storage vessel is not determined in accordance with § 63.1303(d), each delivery of HAP ABA in which the amount of HAP ABA added to the storage vessel is not determined in accordance with § 63.1303(e), each calendar day in a 6-month period in which the polyol pumps are not calibrated in accordance with § 63.1303(b)(3)(i), and each calendar day after 10 working days after production where the IFD and density of a foam grade are not determined (where required) in accordance with § 63.1304(b);

(2) For each affected source complying with § 63.1299 in accordance with the monthly compliance option in § 63.1299(b), each calendar day of each month for which the actual HAP ABA emissions exceeded the allowable HAP ABA emissions level for that month, each calendar day in which foam is being poured where the amount of polyol added at the mixhead is not monitored (as required) in accordance with § 63.1303(b)(1)(i), each calendar day in a week in which the amount of HAP ABA in a storage vessel is not determined in accordance with § 63.1303(d), each delivery of HAP ABA in which the amount of HAP ABA added to the storage vessel is not determined in accordance with § 63.1303(e), and each calendar day in a 6-month period in which the polyol pumps are not calibrated in accordance with § 63.1303(b)(3)(i), and each calendar day after 10 working days after production where the IFD and density of a foam grade are not determined (where required) in accordance with § 63.1304(b).

(3) For each affected source complying with § 63.1299 by using a recovery device as allowed under § 63.1299(e), the items listed in (d)(3)(i) or (ii) of this section, as applicable.

(i) If complying with rolling annual compliance option in § 63.1299(a), each item listed in (d)(1) of this section, failure to develop a recovered HAP ABA monitoring and recordkeeping program in accordance with § 63.1303(c), and each instance when an element of the program is not followed.

(ii) If complying with the monthly compliance option in § 63.1299(b), each item listed in (d)(2) of this section, failure to develop a recovered HAP ABA monitoring and recordkeeping program in accordance with § 63.1303(c), and each instance when an element of the program is not followed.

(e) *Molded and rebond foam affected sources.* For molded and rebond foam affected sources, failure to meet the requirements contained in § 63.1300 and § 63.1301, respectively, shall be considered a violation of this subpart. Violation of each item listed in the following paragraphs shall be considered a separate violation.

(1) For each molded foam affected source subject to the provisions in § 63.1300(a), each calendar day that a HAP-based material is used as an equipment cleaner (except for diisocyanates used to flush the mixhead and associated piping during periods of startup or maintenance, provided that the diisocyanate compounds are contained in a closed-loop system and are re-used in production);

(2) For each molded foam affected source subject to the provisions of § 63.1300(b), each calendar day that a HAP-base material is used as a mold release agent;

(3) For each rebond foam affected source subject to the provisions of § 63.1301(a), each calendar day that a HAP-based material is used as an equipment cleaner; and

(4) For each rebond foam affected source complying with § 63.1301(b), each calendar day that a HAP-based mold release agent is used.

### **§ 63.1309 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

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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 (5) of this section.

(1) Approval of alternatives to the requirements in §§ 63.1290, 63.1291, 63.1293 through 63.1301, and 63.1305.

(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 alternatives to the specific monitoring requirements of § 63.1303(b)(5).

(5) 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 37357, June 23, 2003]

APPENDIX TO SUBPART III OF PART 63—  
TABLES: NOTE

For the convenience of the readers of subpart III, the tables below summarize the requirements in §§ 63.1290 to 63.1307. These tables are intended to assist the reader in determining the requirements applicable to affected sources and do not alter an affected source's obligation to comply with the requirements in §§ 63.1290 to 63.1307.

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Pt. 63, Subpt. III, Table 2

TABLE 1 TO SUBPART III OF PART 63—HAP ABA FORMULATION LIMITATIONS MATRIX FOR NEW SOURCES [SEE § 63.1297(D)(2)]

|  |       |  |           |           |           |       |
|--|-------|--|-----------|-----------|-----------|-------|
| Values in parts ABA per hundred parts polyol |       | Density ranges (pounds per cubic foot) |           |           |           |       |
|  |       | 0-0.95                                 | 0.96-1.05 | 1.06-1.15 | 1.16-1.40 | 1.41+ |
| IFD  | 0-10  | Use Equation 3                         |           |           |           |       |
|  | 11-15 |  |           |           |           |       |
|  | 16-20 |  |           |           |           |       |
|  | 21-25 |  |           |           |           |       |
|  | 26-30 |  |           |           |           |       |
|  | 31+   |  |           |           |           |       |

TABLE 2 TO SUBPART III OF PART 63—APPLICABILITY OF GENERAL PROVISIONS (40 CFR PART 63, SUBPART A) TO SUBPART III

| Subpart A reference     | Applies to subpart III | Comment   |
|-------------------------|------------------------|---|
| § 63.1 .....            | YES                    | Except that § 63.1(c)(2) is not applicable to the extent area sources are not subject to subpart III. Definitions are modified and supplemented by § 63.1292. |
| § 63.2 .....            | YES                    |   |
| § 63.3 .....            | YES                    |   |
| § 63.4 .....            | YES                    |   |
| § 63.5 .....            | YES                    |   |
| § 63.6 (a)-(d) .....    | YES                    | Owners and operators of subpart III affected sources are not required to develop and implement a startup, shutdown, and malfunction plan.                     |
| § 63.6(e) (1)-(2) ..... | YES                    |   |
| § 63.6(e)(3) .....      | NO                     |   |
| § 63.6 (f)-(g) .....    | YES                    | Subpart III does not require opacity and visible emission standards.  |
| § 63.6(h) .....         | NO                     |   |
| § 63.6 (i)-(j) .....    | YES                    | Performance tests not required by subpart III. Continuous monitoring, as defined in subpart A, is not required by subpart III.                                |
| § 63.7 .....            | NO                     |   |
| § 63.8 .....            | NO                     |   |
| § 63.9 (a)-(d) .....    | YES                    | Subpart III specifies Notification of Compliance Status requirements.   |
| § 63.9 (e)-(g) .....    | NO                     |   |
| § 63.9(h) .....         | NO                     |   |
| § 63.9 (i)-(j) .....    | YES                    |   |

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| Subpart A reference       | Applies to subpart III | Comment  |
|---------------------------|------------------------|--|
| § 63.10 (a)–(b) .....     | YES                    | Except that the records specified in § 63.10(b)(2)(vi) through (xi) and (xiii) are not required. |
| § 63.10(c) .....          | NO                     |  |
| § 63.10(d)(1) .....       | YES                    |  |
| § 63.10 (d) (2)–(3) ..... | NO                     |  |
| § 63.10 (d) (4)–(5) ..... | YES                    |  |
| § 63.10(e) .....          | NO                     |  |
| § 63.10(f) .....          | YES                    |  |
| § 63.11 .....             | YES                    |  |
| § 63.12 .....             | YES                    |  |
| § 63.13 .....             | YES                    |  |
| § 63.14 .....             | YES                    |  |
| § 63.15 .....             | YES                    |  |

TABLE 3 TO SUBPART III OF PART 63—COMPLIANCE REQUIREMENTS FOR SLABSTOCK FOAM PRODUCTION AFFECTED SOURCES COMPLYING WITH THE EMISSION POINT SPECIFIC LIMITATIONS

| Emission point   | Emission point compliance option        | Emission, work practice, and equipment standards | Monitoring                                    | Recordkeeping                           | Reporting        |
|--|---|--|---|---|------------------|
| Diisocyanate storage vessels § 63.1294(a)              | Vapor balance .....                     | § 63.1294(a)(1) and (1)(ii).                     | § 63.1294(a)(1)(i) ..                         | § 63.1307(a)(1) and (4).                | § 63.1306(e)(5). |
|  | Carbon adsorber ...                     | § 63.1294(a)(2) .....                            | § 63.1303(a)(1), (3), and (4).                | § 63.1307(a)(1), (3)(i), and (3)(iii).  | § 63.1306(e)(3). |
|  | Carbon adsorber—alternative monitoring. | § 63.1294(a)(2) .....                            | § 63.1303(a)(2), (3) and (4).                 | § 63.1307(a)(1), (3)(ii), and (3)(iii). | § 63.1306(e)(3). |
| Diisocyanate transfer pumps § 63.1294(b)               | Sealless pump .....                     | § 63.1294(b)(1) .....                            | .....   | § 63.1307 (b)(1)(i) and (2).            | .....            |
|  | Submerged pump                          | § 63.1294(b)(2)(i) and (iii).                    | § 63.1294 (b)(2)(ii)                          | § 63.1307 (b)(1)(i), (2), and (3).      | § 63.1306(e)(4). |
| Other components in diisocyanate service § 63.1294(c). | N/A .....                               | § 63.1294(c) .....                               | § 63.1294(c) .....                            | § 63.1307 (b)(1)(i) and (3).            | § 63.1306(e)(4). |
| HAP ABA storage vessels § 63.1295                      | Vapor balance .....                     | § 63.1295(b) and (b)(2).                         | § 63.1295 (b)(1) ....                         | § 63.1307(a)(2) and (4).                | § 63.1306(e)(5). |
|  | Carbon adsorber ...                     | § 63.1295(c) .....                               | § 63.1303(a)(1), (3), and (4).                | § 63.1307(a)(2), (3)(i), (3)(iii).      | § 63.1306(e)(3). |
|  | Carbon adsorber—alternative monitoring. | § 63.1295(c) .....                               | § 63.1303(a)(2), (3) and (4).                 | § 63.1307(a)(2), (3)(ii), and (3)(iii). | § 63.1306(e)(3). |
| HAP ABA pumps § 63.1296(a):                            | Sealless pump .....                     | § 63.1296(a)(1) .....                            | .....   | § 63.1307 (b)(1)(ii)                    | .....            |
|  | Quarterly monitoring.                   | § 63.1296(a)(2) and (2)(iii).                    | § 63.1296(a)(2)(i), (2)(ii) and § 63.1304(a). | § 63.1307 (b)(1)(ii) and (3).           | § 63.1304(e)(4). |
| HAP ABA valves § 63.1296(b):                           | Quarterly monitoring.                   | § 63.1296(b), and (b)(2).                        | § 63.1296 (b)(1) and § 63.1304(a).            | § 63.1307 (b)(1)(ii) and (3).           | § 63.1304(e)(4). |
|  | Unsafe-to-monitor                       | § 63.1296(b)(3) (i), (ii), and (iv).             | § 63.1296 (b)(3)(iii)                         | § 63.1307 (b)(1)(ii), and (4).          | § 63.1304(e)(4). |
|  | Difficult-to-monitor                    | § 63.1296(b)(4) (i), (ii), (iii), and (v).       | § 63.1296(b)(4)(iv) and § 63.1304(a).         | § 63.1307 (b)(1)(ii) and (4).           | § 63.1306(e)(4). |
| HAP ABA Connectors § 63.1296(c):                       | Annual monitoring                       | § 63.1296(c) and (c)(2).                         | § 63.1296(c)(1) and § 63.1304(a).             | § 63.1307 (b)(1)(ii) and (3).           | § 63.1306(e)(4). |
|  | Unsafe-to-monitor                       | § 63.1296(c)(2), (3) (i), and (ii).              | § 63.1296(c)(3) (iii) and § 63.1304(a).       | § 63.1307 (b)(1)(ii) and (4).           | § 63.1306(e)(4). |
| Pressure-relief devices § 63.1296(d)                   | Unsafe-to-repair .....                  | § 63.1296(c)(4) .....                            | § 63.1296(c)(1) .....                         | § 63.1307 (b)(1)(ii)                    | § 63.1306(e)(4). |
|  | N/A .....                               | § 63.1296(d) and (d)(2).                         | § 63.1296 (d)(1) and § 63.1304(a).            | § 63.1307 (b)(1)(ii) and (3).           | § 63.1306(e)(4). |
| Open-ended valves or lines § 63.1296(e).               | N/A .....                               | § 63.1296(e) .....                               | .....   | § 63.1307 (b)(1)(ii)                    | .....            |
| Production line § 63.1297.                             | Rolling annual compliance.              | § 63.1297(a)(1) and (b).                         | § 63.1303 (b) .....                           | § 63.1307(c)(1) .....                   | § 63.1306(e)(1). |

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| Emission point                | Emission point compliance option    | Emission, work practice, and equipment standards   | Monitoring             | Recordkeeping            | Reporting               |
|-------------------------------|-------------------------------------|--|------------------------|--------------------------|-------------------------|
|                               | Monthly compliance.                 | § 63.1297(a)(2) and (c).   | § 63.1303 (b) .....    | § 63.1307(c)(1) .....    | § 63.1306(e)(2).        |
|                               | Compliance Using a Recovery device. | § 63.1297(a)(1), (b), and (e) for rolling annual compliance or § 63.1297(a)(2), (c), and (e) for monthly compliance. | § 63.1303 (b) and (c). | § 63.1307(c)(1) and (d). | § 63.1306(e)(1) or (2). |
| Equipment Cleaning § 63.1298. | N/A .....                           | § 63.1298 .....  | .....                  | § 63.1307(e) .....       |                         |

TABLE 4 TO SUBPART III OF PART 63—COMPLIANCE REQUIREMENTS FOR SLABSTOCK FOAM PRODUCTION AFFECTED SOURCES COMPLYING WITH THE SOURCE-WIDE EMISSION LIMITATION

| Emission point   | Emission point compliance option        | Emission, work practice, and equipment standards   | Monitoring                                     | Recordkeeping                           | Reporting               |
|--|---|--|--|---|-------------------------|
| Diisocyanate storage vessels § 63.1294(a).   | Vapor balance .....                     | § 63.1294(a)(1) and (1)(ii).   | § 63.1294(a)(1)(i) ..                          | § 63.1307(a)(1) and (4).                | § 63.1306(e)(5).        |
|  | Carbon adsorber ...                     | § 63.1294(a)(2) .....  | § 63.1303(a)(1), (3), and (4).                 | § 63.1307(a)(1), (3)(i), and (3)(iii).  | § 63.1306(e)(3).        |
|  | Carbon adsorber—alternative monitoring. | § 63.1294(a)(2) .....  | § 63.1303(a)(2), (3) and (4).                  | § 63.1307(a)(1), (3)(ii), and (3)(iii). | § 63.1306(e)(3).        |
| Diisocyanate transfer pumps § 63.1294(b).  | Sealless pump .....                     | § 63.1294(b)(1) .....  | .....  | § 63.1307 (b)(1)(f) and (2).            |                         |
|  | Submerged pump                          | § 63.1294(b)(2)(i) and (iii).  | § 63.1294 (b)(2)(ii)                           | § 63.1307 (b)(1)(i), (2), and (3).      | § 63.1306(e)(4).        |
| Other components in diisocyanate service § 63.1294(c).                             | N/A .....                               | § 63.1294(c) .....   | § 63.1294(c) .....                             | § 63.1307 (b)(1)(f) and (3).            | § 63.1306(e)(4).        |
| HAP ABA storage vessels, equipment leaks, production line, and equipment cleaning. | Rolling annual compliance.              | § 63.1299(a), (c)(1) through (4), and (d).   | § 63.1303 (b) except (b)(1)(ii), (d), and (e). | § 63.1307(c)(2) .....                   | § 63.1306(e)(1).        |
|  | Monthly compliance.                     | § 63.1299(b), (c)(1) through (4), and (d).   | § 63.1303 (b) except (b)(1)(ii), (d), and (e). | § 63.1307(c)(2) .....                   | § 63.1306(e)(2).        |
|  | Compliance Using a Recovery device.     | § 63.1299(a), (d), and (e) for rolling annual compliance or § 63.1299(b), (d), and (e) for monthly compliance. | § 63.1303 (b) except (b)(1)(ii) and (c).       | § 63.1307(c)(2) and (d).                | § 63.1306(e)(1) or (2). |

TABLE 5 TO SUBPART III OF PART 63—COMPLIANCE REQUIREMENTS FOR MOLDED AND REBOND FOAM PRODUCTION AFFECTED SOURCES

| Emission point                 | Emission point compliance option | Emission, work practice, and equipment standards | Monitoring | Recordkeeping       | Reporting |
|--------------------------------|----------------------------------|--|------------|---------------------|-----------|
| Molded Foam Equipment cleaning | N/A .....                        | § 63.1300(a) .....                               | .....      | § 63.1307(g) .....  |           |
| Mold release agent             | N/A .....                        | § 63.1300(b) .....                               | .....      | § 63.1307 (h) ..... |           |

| Emission point  | Emission point compliance option | Emission, work practice, and equipment standards | Monitoring | Recordkeeping       | Reporting |
|---|----------------------------------|--|------------|---------------------|-----------|
| Rebond Foam<br>Equipment cleaning<br>Mold release agent | N/A .....                        | § 63.1301(a) .....                               | .....      | § 63.1307 (g) ..... |           |
|   | N/A .....                        | § 63.1301(b) .....                               | .....      | § 63.1307 (h) ..... |           |

**Subpart JJJ—National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins**

SOURCE: 61 FR 48229, Sept. 12, 1996, unless otherwise noted.

**§ 63.1310 Applicability and designation of affected sources.**

(a) *Definition of affected source.* The provisions of this subpart apply to each affected source. Affected sources are described in paragraphs (a)(1) through (a)(4) of this section.

(1) An affected source is either an existing affected source or a new affected source. Existing affected source is defined in paragraph (a)(2) of this section, and new affected source is defined in paragraph (a)(3) of this section.

(2) An existing affected source is defined as each group of one or more thermoplastic product process units (TPPU) and associated equipment, as listed in paragraph (a)(4) of this section that is not part of a new affected source, as defined in paragraph (a)(3) of this section, that is manufacturing the same primary product, and that is located at a plant site that is a major source.

(3) A new affected source is defined by the criteria in paragraph (a)(3)(i), (a)(3)(ii), or (a)(3)(iii) of this section. The situation described in paragraph (a)(3)(i) of this section is distinct from those situations described in paragraphs (a)(3)(ii) and (a)(3)(iii) of this section and from any situation described in paragraph (i) of this section.

(i) At a site without HAP emission points before March 29, 1995 (*i.e.*, a “greenfield” site), each group of one or more TPPU and associated equipment, as listed in paragraph (a)(4) of this section, that is manufacturing the same primary product and that is part of a major source on which construction commenced after March 29, 1995;

(ii) A group of one or more TPPU meeting the criteria in paragraph (i)(1)(i) of this section; or

(iii) A reconstructed affected source meeting the criteria in paragraph (i)(2)(i) of this section.

(4) *Emission points and equipment.* The affected source also includes the emission points and equipment specified in paragraphs (a)(4)(i) through (a)(4)(vi) of this section that are associated with each applicable group of one or more TPPU constituting an affected source.

- (i) Each waste management unit.
- (ii) Maintenance wastewater.
- (iii) Each heat exchange system.
- (iv) Each process contact cooling tower used in the manufacture of PET that is associated with a new affected source.
- (v) Each process contact cooling tower used in the manufacture of PET using a continuous terephthalic acid high viscosity multiple end finisher process that is associated with an existing affected source.
- (vi) Equipment required by, or utilized as a method of compliance with, this subpart which may include control devices and recovery devices.

(5) TPPUs and associated equipment, as listed in paragraph (a)(4) of this section, that are located at plant sites that are not major sources are neither affected sources nor part of an affected source.

(b) *TPPUs without organic HAP.* The owner or operator of a TPPU that is part of an affected source, as defined in paragraph (a) of this section, but that does not use or manufacture any organic HAP shall comply with the requirements of either paragraph (b)(1) or (b)(2) of this section. Such a TPPU is not subject to any other provisions of this subpart and is not required to comply with the provisions of subpart A of this part.

(1) Retain information, data, and analyses used to document the basis for the determination that the TPPU