

Environmental Protection Agency

§ 63.191

the equipment configuration and operating conditions documented in the Notification of Compliance Status required by § 63.182(c) of subpart H of this part.

(i) The added emission point(s) and any emission point(s) within the added or changed process unit are subject to the requirements of subparts H and I of this part for an existing source;

(ii) The added emission point(s) and any emission point(s) within the added or changed process unit shall be in compliance with subparts H and I of this part by the dates specified in paragraphs (g)(4)(ii)(A) or (g)(4)(ii)(B) of this section, as applicable.

(A) If a process unit is added to a plant site or an emission point(s) is added to an existing process unit, the added process unit or emission point(s) shall be in compliance upon initial start-up of the added process unit or emission point(s) or by April 22, 1997, whichever is later.

(B) If a surge control vessel or bottoms receiver becomes subject to § 63.170 of subpart H, if a compressor becomes subject to § 63.164 of subpart H, or if a deliberate operational process change causes equipment to become subject to subpart H of this part, the owner or operator shall be in compliance upon initial start-up or by April 22, 1997, whichever is later, unless the owner or operator demonstrates to the Administrator that achieving compliance will take longer than making the change. The owner or operator shall submit to the Administrator for approval a compliance schedule, along with a justification for the schedule. The Administrator shall approve the compliance schedule or request changes within 120 calendar days of receipt of the compliance schedule and justification.

(iii) The owner or operator of a process unit or emission point that is added to a plant site and is subject to the requirements for existing sources shall comply with the reporting and record-keeping requirements of subparts H and I of this part that are applicable to existing sources, including, but not limited to, the reports listed in paragraphs (g)(4)(iii)(A) and (g)(4)(iii)(B) of this section.

(A) Reports required by § 63.182 of subpart H of this part; and

(B) Reports and notifications required by sections of subpart A of this part that are applicable to subparts H and I of this part, as identified in § 63.192(a) of this subpart.

(h) *Rules stayed for reconsideration.* Notwithstanding any other provision of this subpart, the effectiveness of subpart I is stayed from October 24, 1994, to April 24, 1995, only as applied to those sources for which the owner or operator makes a representation in writing to the Administrator that the resolution of the area source definition issues could have an effect on the compliance status of the source with respect to subpart I.

(i) *Sections stayed for reconsideration.* Notwithstanding any other provision of this subpart, the effectiveness of §§ 63.164 and 63.170 of subpart H is stayed from October 28, 1994, to April 24, 1995, only as applied to those sources subject to § 63.190(e)(2).

(j) If a change that does not meet the criteria in paragraph (g)(4) of this section is made to a process unit subject to subparts H and I of this part, and the change causes equipment to become subject to the provisions of subpart H of this part, then the owner or operator shall comply with the requirements of subpart H of this part for the equipment as expeditiously as practical, but in no event later than three years after the equipment becomes subject.

(1) The owner or operator shall submit to the Administrator for approval a compliance schedule, along with a justification for the schedule.

(2) The Administrator shall approve the compliance schedule or request changes within 120 calendar days of receipt of the compliance schedule and justification.

[59 FR 19587, Apr. 22, 1994, as amended at 59 FR 48178, Sept. 20, 1994; 59 FR 53360, Oct. 24, 1994; 59 FR 54132, Oct. 28, 1994; 60 FR 5321, Jan. 27, 1995; 60 FR 18025, Apr. 10, 1995; 61 FR 7718, Feb. 29, 1996; 61 FR 31441, June 20, 1996; 62 FR 2792, Jan. 17, 1997]

§ 63.191 Definitions.

(a) The following terms as used in subparts I and H of this part shall have the meaning given them in subpart A

of this part: Act, Administrator, approved permit program, commenced, compliance date, construction, effective date, EPA, equivalent emission limitation, existing source, Federally enforceable, hazardous air pollutant, lesser quantity, major source, malfunction, new source, owner or operator, performance evaluation, performance test, permit program, permitting authority, reconstruction, relevant standard, responsible official, run, standard conditions, State, and stationary source.

(b) All other terms used in this subpart and in subpart H of this part shall have the meaning given them in the Act and in this section. If the same term is defined in subpart A or H of this part and in this section, it shall have the meaning given in this section for purposes of subparts I and H of this part.

Bench-scale batch process means a batch process (other than a research and development facility) that is operated on a small scale, such as one capable of being located on a laboratory bench top. This bench-scale equipment will typically include reagent feed vessels, a small reactor and associated product separator, recovery and holding equipment. These processes are only capable of producing small quantities of product.

Bottoms receiver means a tank that collects distillation bottoms before the stream is sent for storage or for further downstream processing.

Butadiene-furfural cotrimer (R-11) means the product of reaction of butadiene with excess furfural in a liquid phase reactor. R-11 is usually used as an insect repellent and as a delousing agent for cows in the dairy industry.

Captafol® means the fungicide Captafol ([cis-N(1,1,2,2-tetrachloroethyl)-thio]-4-cylcohexene-1,2-dicarboximide). The category includes any production process units that store, react, or otherwise process 1,3-butadiene in the production of Captafol.

Captan® means the fungicide Captan. The production process typically includes, but is not limited to, the reaction of tetrahydrophthalimide and perchloromethyl mercaptan with caustic.

Chlorinated paraffins means dry chlorinated paraffins, which are mainly straight-chain, saturated hydrocarbons. The category includes, but is not limited to, production of chlorinated paraffins by passing gaseous chlorine into a paraffin hydrocarbon or by chlorination by using solvents, such as carbon tetrachloride, under reflux.

Chlorothalonil means the agricultural fungicide, bactericide and nematocide Chlorothalonil (Daconil). The category includes any process units utilized to dissolve tetrachlorophthalic acid chloride in an organic solvent, typically carbon tetrachloride, with the subsequent addition of ammonia.

Dacthal™ means the pre-emergent herbicide Dacthal™, also known as DCPA, DAC, and dimethyl ester 2,3,5,6-tetrachloroterephthalic acid. The category includes, but is not limited to, chlorination processes and the following production process units: photochlorination reactors, thermal chlorination reactors, and condensers.

Ethylidene Norbornene means the diene with CAS number 16219-75-3. Ethylidene norbornene is used in the production of ethylene-propylene rubber products.

Hypalon™ (*chlorosulfonated polyethylene*) means a synthetic rubber produced by reacting polyethylene with chloric and sulfur dioxide, transforming the thermoplastic polyethylene into a vulcanized elastomer. The reaction is conducted in a solvent (carbon tetrachloride) reaction medium.

Initial start-up means the first time a new or reconstructed source begins production. Initial start-up does not include operation solely for testing equipment. For purposes of subpart H of this part, initial start-up does not include subsequent start-ups (as defined in §63.161 of subpart H of this part) of process units (as defined in §63.161 of subpart H of this part) following malfunctions or process unit shutdowns.

In organic hazardous air pollutant service or *in organic HAP service* means that a piece of equipment either contains or contacts a fluid (liquid or gas) that is

at least 5 percent by weight of the designated organic HAP's listed in § 63.190(b) of this subpart.

Methyl Methacrylate-Acrylonitrile-Butadiene-Styrene (MABS) Resins means styrenic polymers containing methyl methacrylate, acrylonitrile, 1,3-butadiene, and styrene. The MABS copolymers are prepared by dissolving or dispersing polybutadiene rubber in a mixture of methyl methacrylate-acrylonitrile-styrene and butadiene monomer. The graft polymerization is carried out by a bulk or a suspension process.

Methyl Methacrylate-Butadiene-Styrene (MBS) Resins means styrenic polymers containing methyl methacrylate, 1,3-butadiene, and styrene. Production of MBS terpolymers is achieved using an emulsion process in which methyl methacrylate and styrene are grafted onto a styrene-butadiene rubber.

On-site or *On site* means, with respect to records required to be maintained by this subpart, that the records are stored at a location within a major source which encompasses the affected source. On-site includes, but is not limited to, storage at the process unit to which the records pertain, or storage in central files elsewhere at the major source.

Oxybisphenoxarsine (OBPA)/1,3-Diisocyanate means the chemical with CAS number 58-36-6. The chemical is primarily used for fungicidal and bactericidal protection of plastics. The process uses chloroform as a solvent.

Pharmaceutical production process means a process that synthesizes one or more pharmaceutical intermediate or final products using carbon tetrachloride or methylene chloride as a reactant or process solvent. Pharmaceutical production process does not mean process operations involving formulation activities, such as tablet coating or spray coating of drug particles, or solvent recovery or waste management operations.

Polybutadiene production means a process that produces polybutadiene through the polymerization of 1,3-butadiene.

Polycarbonates means a special class of polyester formed from any dihydroxy compound and any carbonate diester or by ester interchange.

Polycarbonates may be produced by solution or emulsion polymerization, although other methods may be used. A typical method for the manufacture of polycarbonates includes the reaction of bisphenol-A with phosgene in the presence of pyridine to form a polycarbonate. Methylene chloride is used as a solvent in this polymerization reaction.

Polysulfide rubber means a synthetic rubber produced by reaction of sodium sulfide and p-dichlorobenzene at an elevated temperature in a polar solvent. This rubber is resilient and has low temperature flexibility.

Process Unit means the group of equipment items used to process raw materials and to manufacture a product. For the purposes of this subpart, process unit includes all unit operations and associated equipment (e.g., reactors and associated product separators and recovery devices), associated unit operations (e.g., extraction columns), any feed and product storage vessels, and any transfer racks for distribution of final product.

Research and development facility means laboratory and pilot plant operations whose primary purpose is to conduct research and development into new processes and products, where the operations are under the close supervision of technically trained personnel, and is not engaged in the manufacture of products except in a de minimis manner.

Source means the collection of equipment listed in § 63.190(d) to which this subpart applies as determined by the criteria in § 63.190. For purposes of subparts H and I of this part, the term *affected source* as used in subpart A of this part has the same meaning as the term *source* defined here.

Styrene-butadiene rubber production means a process that produces styrene-butadiene copolymers, whether in solid (elastomer) or emulsion (latex) form.

Surge control vessel means feed drums, recycle drums, and intermediate vessels. Surge control vessels are used within a process unit when in-process storage, mixing, or management of flow rates or volumes is needed to assist in production of a product.

Symmetrical tetrachloropyridine means the chemical with CAS number 2402-79-1.

*Tordon acid*TM means the synthetic herbicide 4-amino-3,5,6-trichloropicolinic acid, picloram. The category includes, but is not limited to, chlorination processes utilized in TordonTM acid production.

[59 FR 19587, Apr. 22, 1994, as amended at 59 FR 48178, Sept. 20, 1994; 60 FR 18026, 18030, Apr. 10, 1995; 61 FR 31442, June 20, 1996; 62 FR 2792, Jan. 17, 1997]

§ 63.192 Standard.

(a)(1) The owner or operator of a source subject to this subpart shall comply with the requirements of subpart H of this part for the processes and designated organic HAP's listed in § 63.190(b) of this subpart.

(2) The owner or operator of a pharmaceutical production process subject to this subpart may define a process unit as a set of operations, within a source, producing a product, as all operations collocated within a building or structure or as all affected operations at the source.

(b) All provisions in §§ 63.1 through 63.15 of subpart A of this part which apply to owners and operators of sources subject to subparts I and H of this part, are:

(1) The applicability provisions of § 63.1 (a)(1), (a)(2), (a)(10), (a)(12) through (a)(14);

(2) The definitions of § 63.2 unless changed or modified by specific entry in § 63.191 or § 63.161;

(3) The units and abbreviations in § 63.3;

(4) The prohibited activities and circumvention provisions of § 63.4 (a)(1), (a)(2), (a)(3), (a)(5), and (b);

(5) The construction and reconstruction provisions of § 63.5(a), (b)(1), (b)(3), (d) (except the review is limited to the equipment subject to the provisions of subpart H), (e), and (f);

(6)(i) The compliance with standards and maintenance requirements of § 63.6(a), (b)(3), (c)(5), (e), (i)(1), (i)(2), (i)(4)(i)(A), (i)(6)(i), (i)(8) through (i)(10), (i)(12) through (i)(14), (i)(16), and (j);

(ii) The operational and maintenance requirements of § 63.6(e). The startup, shutdown, and malfunction plan requirement of § 63.6(e)(3) is limited to

control devices subject to the provisions of subpart H of part 63 and is optional for other equipment subject to subpart H. The startup, shutdown, and malfunction plan may include written procedures that identify conditions that justify a delay of repair.

(7) With respect to flares, the performance testing requirements of § 63.7(a)(3), (d), (e)(1), (e)(2), (e)(4), and (h);

(8) The notification requirements of § 63.9 (a)(1), (a)(3), (a)(4), (b)(1)(i), (b)(4), (b)(5) (except, use the schedule specified in subpart H), (c), (d), and (i);

(9) The recordkeeping and reporting requirements of § 63.10(a) and (f);

(10) The control device requirements of § 63.11(b); and

(11) The provisions of § 63.12 through § 63.15.

(c) Initial performance tests and initial compliance determinations shall be required only as specified in subpart H of this part.

(1) Performance tests and compliance determinations shall be conducted according to the applicable sections of subpart H.

(2) The owner or operator shall notify the Administrator of the intention to conduct a performance test at least 30 days before the performance test is scheduled to allow the Administrator the opportunity to have an observer present during the test.

NOTE: This requirement does not apply to equipment subject to monitoring using Method 21 of part 60, appendix A.

(3) Performance tests shall be conducted according to the provisions of § 63.7(e) of subpart A of this part, except that performance tests shall be conducted at maximum representative operating conditions for the process. During the performance test, an owner or operator may operate the control or recovery device at maximum or minimum representative operating conditions for monitored control or recovery device parameters, whichever results in lower emission reduction.

(4) Data shall be reduced in accordance with the EPA-approved methods specified in the applicable subpart, or, if other test methods are used, the data and methods shall be validated according to the protocol in Method 301 of appendix A of this part.