

§ 63.2183

(4) All required CEMS measurements (including monitoring data recorded during unavoidable CEMS breakdowns and out-of-control periods);

(5) Identification of each batch during which the CEMS was inoperative, except for zero (low-level) and high-level checks;

(6) Identification of each batch during which the CEMS was out of control, as defined in § 63.2163(k);

(7) Previous (i.e., superseded) versions of the performance evaluation plan as required in § 63.8(d)(3);

(8) Request for alternatives to relative accuracy test for CEMS as required in § 63.8(f)(6)(i); and

(9) Records of each batch for which the batch-average VOC concentration exceeded the applicable maximum VOC concentration in Table 1 to this subpart and whether the batch was in production during a period of malfunction or during another period.

(c) You must keep the records required in Table 4 to this subpart to show continuous compliance with each emission limitation that applies to you.

(d) You must also keep the records listed in paragraphs (d)(1) through (3) of this section for each batch in your affected source.

(1) Unique batch identification number.

(2) Fermentation stage for which you are using the fermenter.

(3) Unique CEMS equipment identification number.

§ 63.2183 In what form and how long must I keep my records?

(a) Your records must be in a form suitable and readily available for expeditious review, according to § 63.10(b)(1).

(b) As specified in § 63.10(b)(1), you must keep each record for 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record.

(c) You must keep each record on site for at least 2 years after the date of each occurrence, measurement, maintenance, corrective action, report, or record, according to § 63.10(b)(1). You can keep the records offsite for the remaining 3 years.

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OTHER REQUIREMENTS AND INFORMATION

§ 63.2190 What parts of the General Provisions apply to me?

Table 6 to this subpart shows which parts of the General Provisions in §§ 63.1 through 63.13 apply to you.

§ 63.2191 Who implements and enforces this subpart?

(a) This subpart can be implemented and enforced by us, the U.S. EPA, or a delegated authority such as your State, local, or tribal agency. If the U.S. EPA Administrator has delegated authority to your State, local, or tribal agency, then that agency has the authority to implement and enforce this subpart. You should contact your U.S. EPA Regional Office to find out if this subpart is delegated to your State, local, or tribal agency.

(b) In delegating implementation and enforcement authority of this subpart to a State, local, or tribal agency under 40 CFR part 63, subpart E, the authorities contained in paragraph (c) of this section are retained by the Administrator of the U.S. EPA and are not transferred to the State, local, or tribal agency.

(c) The authorities that will not be delegated to State, local, or tribal agencies are as listed in paragraphs (c)(1) through (4) of this section.

(1) Approval of alternatives to the non-opacity emission limitations in § 63.2140 under § 63.6(g).

(2) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f) and as defined in § 63.90.

(3) Approval of major alternatives to monitoring under § 63.8(f) and as defined in § 63.90.

(4) Approval of major alternatives to recordkeeping and reporting under § 63.10(f) and as defined in § 63.90.

§ 63.2192 What definitions apply to this subpart?

Terms used in this subpart are defined in the Clean Air Act, in 40 CFR 63.2, the General Provisions of this part, and in this section as follows:

Batch means a single fermentation cycle in a single fermentation vessel (fermenter).

Batch monitoring period means the period that begins at the later of either

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the start of aeration or the addition of yeast to the fermenter; the period ends at the earlier of either the end of aeration or the point at which the yeast has begun being emptied from the fermenter.

Brew means the mixture of yeast and additives in the fermenter.

Brew ethanol means the ethanol in fermenter liquid.

Brew ethanol monitor means the monitoring system that you use to measure brew ethanol to demonstrate compliance with this subpart. The monitoring system includes a resistance element used as an ethanol sensor, with the measured resistance proportional to the concentration of ethanol in the brew.

Brew-to-exhaust correlation means the correlation between the concentration of ethanol in the brew and the concentration of VOC in the fermenter exhaust. This correlation is specific to each fed-batch fermentation stage and is established while manufacturing the product that comprises the largest percentage (by mass) of average annual production.

Emission limitation means any emission limit or operating limit.

Fed-batch means the yeast is fed carbohydrates and additives during fermentation in the vessel. In contrast, carbohydrates and additives are added to “set-batch” fermenters only at the start of the batch.

1-hour period means any 60-minute period commencing on the minute at which the batch monitoring period begins.

Product means the yeast resulting from the final stage in a production run. Products are distinguished by yeast species, strain, and variety.

Responsible official means responsible official as defined in 40 CFR 70.2.

Specialty yeast includes but is not limited to yeast produced for use in wine, champagne, whiskey, and beer.

Within-concentration batch means a batch for which the average VOC concentration is not higher than the maximum concentration that is allowed as part of the applicable emission limitation.

TABLE 1 TO SUBPART CCCC OF PART 63—EMISSION LIMITATIONS

As stated in § 63.2140, you must comply with the emission limitations in the following table:

For each fed-batch fermenter producing yeast in the following fermentation stage . . .	You must meet the following emission limitation . . .
Last stage (Trade); or Second-to-last stage (First Generation); or Third-to-last stage (Stock).	a. For at least 98 percent of all batches (sum of batches from last, second-to-last, and third-to-last stages) in each 12-month calculation period described in § 63.2171(b), the VOC concentration in the fermenter exhaust does not exceed the applicable maximum concentration (100 ppmv for last stage, 200 ppmv for second-to-last stage, or 300 ppmv for third-to-last stage), measured as propane, and averaged over the duration of a batch. b. The emission limitation does not apply during the production of specialty yeast.

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TABLE 2 TO SUBPART CCCC OF PART 63—REQUIREMENTS FOR PERFORMANCE TESTS

As stated in §63.2161, if you demonstrate compliance by monitoring brew ethanol, you must comply with the requirements for performance tests in the following table:

[Brew Ethanol Monitoring Only]

For each fed-batch fermenter for which compliance is determined by monitoring brew ethanol concentration and calculating VOC concentration in the fermenter exhaust according to the procedures in §63.2161, you must . . .	Using . . .	According to the following requirements . . .
1. Measure VOC as propane 2. Select the sampling port's location and the number of traverse points. 3. Measure volumetric flow rate. 4. Perform gas analysis to determine the dry molecular weight of the stack gas. 5. Determine moisture content of the stack gas.	Method 25A*, or an alternative validated by EPA Method in the 301* and approved by the Administrator. Method 1* Method 2* Method 3* Method 4*	You must measure the VOC concentration in the fermenter exhaust at any point prior to dilution of the exhaust stream.

*EPA Test Methods found in appendix A of 40 CFR part 60.

TABLE 3 TO SUBPART CCCC OF PART 63—INITIAL COMPLIANCE WITH EMISSION LIMITATIONS

As stated in §63.2165 (if you monitor fermenter exhaust) and §63.2166 (if you monitor brew ethanol), you must comply with the requirements to demonstrate initial compliance with the applicable emission limitations in the following table:

For . . .	For the following emission limitation . . .	You have demonstrated initial compliance if . . .
1. Each fed-batch fermenter producing yeast in a fermentation stage (last Trade), second-to-last (First Generation), or third-to-last (Stock) for which compliance is determined by monitoring VOC concentration in the fermenter exhaust.	The VOC concentration in the fermenter exhaust, averaged over the duration of the batch, does not exceed the applicable maximum concentration (100 ppmv for last stage, 200 ppmv for second-to-last stage, or 300 ppmv for third-to-last stage), measured as propane.	a. You reduce the CEMS data batch averages according to §63.2163(g). b. The average VOC concentration in the fermenter exhaust for at least 98 percent of the batches (sum of batches from last, second-to-last, and third-to-last stages) during the initial compliance period described in §63.2160(a) does not exceed the applicable maximum concentration.
2. Each fed-batch fermenter producing yeast in a fermentation stage (last Trade), second-to-last (First Generation), or third-to-last (Stock) for which compliance is determined by monitoring brew ethanol concentration and calculating VOC concentration in the fermenter exhaust according to the procedures in §63.2161.	The VOC concentration in the fermenter exhaust, averaged over the duration of the batch, does not exceed the applicable maximum concentration (100 ppmv for last stage, 200 ppmv for second-to-last stage, or 300 ppmv for third-to-last stage), measured as propane.	a. The VOC fermenter exhaust concentration over the period of the Method 25A* performance test does not exceed the applicable maximum concentration. b. You have a record of the brew-to-exhaust correlation during the Method 25A* performance test during which the VOC fermenter exhaust concentration did not exceed the applicable maximum concentration.

* EPA Test Method in appendix A of 40 CFR part 60.

TABLE 4 TO SUBPART CCCC OF PART 63—CONTINUOUS COMPLIANCE WITH EMISSION LIMITATIONS

As stated in §63.2171, you must comply with the requirements to demonstrate continuous compliance with the applicable emission limitations in the following table:

For . . .	For the following emission limitation . . .	You must demonstrate continuous compliance by . . .
1. Each fed-batch fermenter producing yeast in a fermentation stage (last Trade), second-to-last (First Generation), or third-to-last (Stock) for which compliance is determined by monitoring VOC concentration in the fermenter exhaust.	For at least 98 percent of all batches (sum of batches from last, second-to-last, and third-to-last stages) in each 12-month calculation period described in §63.2171(b), the VOC concentration in the fermenter exhaust, averaged over the duration of the batch, does not exceed the applicable maximum concentration (100 ppmv for last stage, 200 ppmv for second-to-last stage, or 300 ppmv for third-to-last stage), measured as propane.	a. Collecting the monitoring data according to §63.2163(f). b. Reducing the data according to §63.2163(g). c. For at least 98 percent of the batches (sum of batches from last, second-to-last, and third-to-last stages) for each 12-month period ending within a semi-annual reporting period described in §63.2181(b)(3), the batch average VOC concentration in the fermenter exhaust does not exceed the applicable maximum concentration.
2. Each fed-batch fermenter producing yeast in a fermentation stage (last Trade), second-to-last (First Generation), or third-to-last (Stock) for which compliance is determined by monitoring brew ethanol concentration and calculating VOC concentration in the fermenter exhaust according to the procedures in §63.2161.	For at least 98 percent of all batches (sum of batches from last, second-to-last, and third-to-last stages) in each 12-month calculation period described in §63.2171(b), the VOC concentration in the fermenter exhaust, averaged over the duration of the batch, does not exceed the applicable maximum concentration (100 ppmv for last stage, 200 ppmv for second-to-last stage, or 300 ppmv for third-to-last stage), measured as propane.	a. Collecting the monitoring data according to §63.2164(b). b. Reducing the data according to §63.2164(c). c. For at least 98 percent of the batches (sum of batches from last, second-to-last, and third-to-last stages) for each 12-month period ending within a semi-annual reporting period described in §63.2181(b)(3), the batch average VOC concentration in the fermenter exhaust does not exceed the applicable maximum concentration.

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TABLE 5 TO SUBPART CCCC OF PART 63—REQUIREMENTS FOR REPORTS

As stated in §63.2181, you must submit a compliance report that contains the information in §63.2181(c) as well as the information in the following table; you must also submit malfunction reports according to the requirements in the following table:

You must submit a(n)	The report must contain . . .	You must submit the report . . .
1. Compliance report	<p>a. Your calculated percentage of within-concentration batches, as described in §63.2171(b), for 12-month calculation periods ending on each calendar month that falls within the reporting period.</p> <p>b. If you had a malfunction during the reporting period and you took actions consistent with your malfunction plan, the compliance report must include the information in §63.10(d)(5)(i).</p>	<p>Semiannually according to the requirements in §63.2181(b).</p> <p>Semiannually according to the requirements in §63.2181(b).</p>
2. Immediate malfunction report if you had a malfunction during the reporting period that is not consistent with your malfunction plan.	<p>a. Actions taken for the event</p> <p>b. The information in §63.10(d)(5)(ii)</p>	<p>By fax or telephone within 2 working days after starting actions inconsistent with the plan.</p> <p>By letter within 7 working days after the end of the event unless you have made alternative arrangements with the permitting authority (§63.10(d)(5)(ii)).</p>

TABLE 6 TO SUBPART CCCC OF PART 63—APPLICABILITY OF GENERAL PROVISIONS TO SUBPART CCCC

As stated in §63.2190, you must comply with the applicable General Provisions requirements according to the following table:

Citation	Subject	Applicable to subpart CCCC?
§63.1	Applicability	Yes.
§63.2	Definitions	Yes.
§63.3	Units and Abbreviations	Yes.
§63.4	Prohibited Activities and Circumvention	Yes.
§63.5	Construction and Reconstruction	Yes.
§63.6	Compliance With Standards and Maintenance Requirements.	<p>1. For §63.6(e) and (f), requirements for startup, shutdown, and malfunctions apply only to malfunctions.</p> <p>2. §63.6(h) does not apply.</p> <p>3. Otherwise, all apply.</p>
§63.7	Performance Testing Requirements	<p>1. §63.7(a)(1)–(2) and (e)(3) do not apply, instead specified in this subpart.</p> <p>2. Otherwise, all apply.</p>
§63.8	Monitoring Requirements	<p>1. §63.8(a)(2) is modified by §63.2163.</p> <p>2. §63.8(a)(4) does not apply.</p> <p>3. For §63.8(c)(1), requirements for startup, shutdown, and malfunctions apply only to malfunctions, and no report pursuant to §63.10(d)(5)(i) is required.</p> <p>4. For §63.8(d), requirements for startup, shutdown, and malfunctions apply only to malfunctions.</p> <p>5. §63.8(c)(4)(i), (c)(5), (e)(5)(ii), and (g)(5), do not apply.</p> <p>6. §63.8(c)(4)(ii), (c)(6)–(8), (e)(4), and (g)(1)–(4) do not apply, instead specified in this subpart.</p> <p>7. Otherwise, all apply.</p>
§63.9	Notification Requirements	<p>1. §63.9(b)(2) does not apply because rule omits requirements for initial notification for sources that start up prior to May 21, 2001</p> <p>2. §63.9(f) does not apply.</p> <p>3. Otherwise, all apply.</p>

Citation	Subject	Applicable to subpart CCCC?
§ 63.10	Recordkeeping and Reporting Requirements	1. For § 63.10(b)(2)(i)–(v), (c)(9)–(15), and (d)(5), requirements for startup, shutdown, and malfunctions apply only to malfunctions. 2. § 63.10(b)(2)(vii) and (c)(1)–(6) do not apply, instead specified in this subpart. 3. § 63.10(c)(7)–(8), (d)(3), (e)(2)(ii)–(4), (e)(3)–(4) do not apply. 4. Otherwise, all apply.
§ 63.11	Flares	No.
§ 63.12	Delegation	Yes.
§ 63.13	Addresses	Yes.
§ 63.14	Incorporation by Reference	Yes.
§ 63.15	Availability of Information	Yes.

Subpart EEEE—National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline)

SOURCE: 69 FR 5063, Feb. 3, 2004, unless otherwise noted.

WHAT THIS SUBPART COVERS

§ 63.2330 What is the purpose of this subpart?

This subpart establishes national emission limitations, operating limits, and work practice standards for organic hazardous air pollutants (HAP) emitted from organic liquids distribution (OLD) (non-gasoline) operations at major sources of HAP emissions. This subpart also establishes requirements to demonstrate initial and continuous compliance with the emission limitations, operating limits, and work practice standards.

§ 63.2334 Am I subject to this subpart?

(a) Except as provided for in paragraphs (b) and (c) of this section, you are subject to this subpart if you own or operate an OLD operation that is located at, or is part of, a major source of HAP emissions. An OLD operation may occupy an entire plant site or be collocated with other industrial (e.g., manufacturing) operations at the same plant site.

(b) Organic liquid distribution operations located at research and development facilities, consistent with section 112(c)(7) of the Clean Air Act (CAA), are not subject to this subpart.

(c) Organic liquid distribution operations do not include the activities and equipment, including product loading

racks, used to process, store, or transfer organic liquids at facilities listed in paragraph (c) (1) and (2) of this section.

(1) Oil and natural gas production field facilities, as the term “facility” is defined in § 63.761 of subpart HH.

(2) Natural gas transmission and storage facilities, as the term “facility” is defined in § 63.1271 of subpart HHH.

§ 63.2338 What parts of my plant does this subpart cover?

(a) This subpart applies to each new, reconstructed, or existing OLD operation affected source.

(b) Except as provided in paragraph (c) of this section, the affected source is the collection of activities and equipment used to distribute organic liquids into, out of, or within a facility that is a major source of HAP. The affected source is composed of:

(1) All storage tanks storing organic liquids.

(2) All transfer racks at which organic liquids are loaded into or unloaded out of transport vehicles and/or containers.

(3) All equipment leak components in organic liquids service that are associated with pipelines, except as provided in paragraph (c)(2) of this section, and with storage tanks and transfer racks storing, loading, or unloading organic liquids.

(4) All transport vehicles while they are loading or unloading organic liquids at transfer racks.

(c) The equipment listed in paragraphs (c)(1) through (4) of this section and used in the identified operations is excluded from the affected source.

(1) Storage tanks, transfer racks, and equipment leak components that are