

**§ 63.868 Delegation of authority.**

(a) In delegating implementation and enforcement authority to a State under section 112(d) of the Clean Air Act, the authorities contained in paragraph (b) of this section must be retained by the Administrator and not transferred to a State.

(b) The authorities which will not be delegated to States are listed in paragraphs (b)(1) through (4) of this section:

(1) Approval of alternatives to standards in § 63.862 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.

TABLE 1 TO SUBPART MM OF PART 63—GENERAL PROVISIONS APPLICABILITY TO SUBPART MM

General provisions reference	Summary of requirements	Applies to subpart MM	Explanation
63.1(a)(1)	General applicability of the General Provisions.	Yes	Additional terms defined in § 63.861; when overlap between subparts A and MM of this part, subpart MM takes precedence.
63.1(a)(2)–(14)	General applicability of the General Provisions.	Yes.	
63.1(b)(1)	Initial applicability determination.	No.	Subpart MM specifies the applicability in § 63.860.
63.1(b)(2)	Title V operating permit—see 40 CFR part 70.	Yes	All major affected sources are required to obtain a title V permit.
63.1(b)(3)	Record of the applicability determination.	No	All affected sources are subject to subpart MM according to the applicability definition of subpart MM.
63.1(c)(1)	Applicability of subpart A of this part after a relevant standard has been set.	Yes	Subpart MM clarifies the applicability of each paragraph of subpart A of this part to sources subject to subpart MM.
63.1(c)(2)	Title V permit requirement	Yes	All major affected sources are required to obtain a title V permit. There are no area sources in the pulp and paper mill source category.
63.1(c)(3)	[Reserved]	NA.	
63.1(c)(4)	Requirements for existing source that obtains an extension of compliance.	Yes.	
63.1(c)(5)	Notification requirements for an area source that increases HAP emissions to major source levels.	Yes.	
63.1(d)	[Reserved]	NA.	
63.1(e)	Applicability of permit program before a relevant standard has been set.	Yes.	
63.2	Definitions	Yes	Additional terms defined in § 63.861; when overlap between subparts A and MM of this part occurs, subpart MM takes precedence.
63.3	Units and abbreviations	Yes.	
63.4	Prohibited activities and circumvention.	Yes.	
63.5(a)	Construction and reconstruction—applicability.	Yes.	
63.5(b)(1)	Upon construction, relevant standards for new sources.	Yes.	
63.5(b)(2)	[Reserved]	NA.	
63.5(b)(3)	New construction/reconstruction.	Yes.	

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General provisions reference	Summary of requirements	Applies to subpart MM	Explanation
63.5(b)(4)	Construction/reconstruction notification.	Yes.	
63.5(b)(5)	Construction/reconstruction compliance.	Yes.	
63.5(b)(6)	Equipment addition or process change.	Yes.	
63.5(c)	[Reserved]	NA.	
63.5(d)	Application for approval of construction/reconstruction.	Yes.	
63.5(e)	Construction/reconstruction approval.	Yes.	
63.5(f)	Construction/reconstruction approval based on prior State preconstruction review.	Yes.	
63.6(a)(1)	Compliance with standards and maintenance requirements—applicability.	Yes.	
63.6(a)(2)	Requirements for area source that increases emissions to become major.	Yes.	
63.6(b)	Compliance dates for new and reconstructed sources.	Yes.	
63.6(c)	Compliance dates for existing sources.	Yes, except for sources granted extensions under 63.863(c).	Subpart MM specifically stipulates the compliance schedule for existing sources.
63.6(d)	[Reserved]	NA.	
63.6(e)	Operation and maintenance requirements.	Yes.	
63.6(f)	Compliance with nonopacity emissions standards.	Yes.	
63.6(g)	Compliance with alternative nonopacity emissions standards.	Yes.	
63.6(h)	Compliance with opacity and visible emissions (VE) standards.	Yes	Subpart MM does not contain any opacity or VE standards; however, § 63.864 specifies opacity monitoring requirements.
63.6(i)	Extension of compliance with emission standards.	Yes, except for sources granted extensions under 63.863(c).	
63.6(j)	Exemption from compliance with emissions standards.	Yes.	
63.7(a)(1)	Performance testing requirements—applicability.	Yes	§ 63.865(c)(1) specifies the only exemption from performance testing allowed under subpart MM.
63.7(a)(2)	Performance test dates	Yes.	
63.7(a)(3)	Performance test requests by Administrator under CAA section 114.	Yes.	
63.7(b)(1)	Notification of performance test.	Yes.	
63.7(b)(2)	Notification of delay in conducting a scheduled performance test.	Yes.	
63.7(c)	Quality assurance program	Yes.	
63.7(d)	Performance testing facilities	Yes.	
63.7(e)	Conduct of performance tests	Yes.	
63.7(f)	Use of an alternative test method.	Yes.	
63.7(g)	Data analysis, recordkeeping, and reporting.	Yes.	
63.7(h)	Waiver of performance tests	Yes	§ 63.865(c)(1) specifies the only exemption from performance testing allowed under subpart MM.
63.8(a)	Monitoring requirements—applicability.	Yes	See § 63.864.
63.8(b)	Conduct of monitoring	Yes	See § 63.864.
63.8(c)	Operation and maintenance of CMS.	Yes	See § 63.864.
63.8(d)	Quality control program	Yes	See § 63.864.

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General provisions reference	Summary of requirements	Applies to subpart MM	Explanation
63.8(e)(1) .....	Performance evaluation of CMS.	Yes.	
63.8(e)(2) .....	Notification of performance evaluation.	Yes.	
63.8(e)(3) .....	Submission of site-specific performance evaluation test plan.	Yes.	
63.8(e)(4) .....	Conduct of performance evaluation and performance evaluation dates.	Yes.	
63.8(e)(5) .....	Reporting performance evaluation results.	Yes.	
63.8(f) .....	Use of an alternative monitoring method.	Yes.	
63.8(g) .....	Reduction of monitoring data ..	Yes.	
63.9(a) .....	Notification requirements—applicability and general information.	Yes.	
63.9(b) .....	Initial notifications .....	Yes.	
63.9(c) .....	Request for extension of compliance.	Yes.	
63.9(d) .....	Notification that source subject to special compliance requirements.	Yes.	
63.9(e) .....	Notification of performance test.	Yes.	
63.9(f) .....	Notification of opacity and VE observations.	Yes .....	Subpart MM does not contain any opacity or VE standards; however, § 63.864 specifies opacity monitoring requirements.
63.9(g)(1) .....	Additional notification requirements for sources with CMS.	Yes.	
63.9(g)(2) .....	Notification of compliance with opacity emissions standard.	Yes .....	Subpart MM does not contain any opacity or VE emissions standards; however, § 63.864 specifies opacity monitoring requirements.
63.9(g)(3) .....	Notification that criterion to continue use of alternative to relative accuracy testing has been exceeded.	Yes.	
63.9(h) .....	Notification of compliance status.	Yes.	
63.9(i) .....	Adjustment to time periods or postmark deadlines for submittal and review of required communications.	Yes.	
63.9(j) .....	Change in information already provided.	Yes.	
63.10(a) .....	Recordkeeping requirements—applicability and general information.	Yes .....	See § 63.866.
63.10(b)(1) .....	Records retention .....	Yes.	
63.10(b)(2) .....	Information and documentation to support notifications and demonstrate compliance.	Yes.	
63.10(b)(3) .....	Records retention for sources not subject to relevant standard.	Yes .....	Applicability requirements are given in § 63.860.
63.10(c) .....	Additional recordkeeping requirements for sources with CMS..	Yes.	
63.10(d)(1) .....	General reporting requirements.	Yes.	
63.10(d)(2) .....	Reporting results of performance tests.	Yes.	
63.10(d)(3) .....	Reporting results of opacity or VE observations.	Yes .....	Subpart MM does not include any opacity or VE standards; however, § 63.864 specifies opacity monitoring requirements.
63.10(d)(4) .....	Progress reports .....	Yes.	

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**§ 63.901**

General provisions reference	Summary of requirements	Applies to subpart MM	Explanation
63.10(d)(5)	Periodic and immediate start-up, shutdown, and malfunction reports.	Yes.	The use of flares to meet the standards in subpart MM is not anticipated.
63.10(e)	Additional reporting requirements for sources with CMS.	Yes.	
63.10(f)	Waiver of recordkeeping and reporting requirements.	Yes.	
63.11	Control device requirements for flares.	No	
63.12	State authority and delegations.	Yes.	
63.13	Addresses of State air pollution control agencies and EPA Regional Offices.	Yes.	
63.14	Incorporations by reference	Yes.	
63.15	Availability of information and confidentiality.	Yes.	

[66 FR 3193, Jan. 12, 2001, as amended at 66 FR 16408, Mar. 26, 2001; 69 FR 25323, May 6, 2004]

**Subpart OO—National Emission Standards for Tanks—Level 1**

SOURCE: 61 FR 34184, July 1, 1996, unless otherwise noted.

**§ 63.900 Applicability.**

The provisions of this subpart apply to the control of air emissions from tanks for which another subpart of 40 CFR parts 60, 61, or 63 references the use of this subpart for such air emission control. These air emission standards for tanks are placed here for administrative convenience and only apply to those owners and operators of facilities subject to the other subparts that reference this subpart. The provisions of 40 CFR part 63, subpart A—General Provisions do not apply to this subpart except as noted in the subpart that references this subpart.

**§ 63.901 Definitions.**

All terms used in this subpart shall have the meaning given to them in the Act and in this section. If a term is defined in both this section and in another subpart that references the use of this subpart, then the definition in this subpart shall take precedence when implementing this subpart.

*Closure device* means a cap, hatch, lid, plug, seal, valve, or other type of fitting that, when the device is secured in the closed position, prevents or reduces air emissions to the atmosphere by blocking an opening in a fixed roof.

Closure devices include devices that are detachable from the cover (e.g., a sampling port cap), manually operated (e.g., a hinged access lid or hatch), or automatically operated (e.g., a spring-loaded pressure relief valve).

*Fixed roof* means a cover that is mounted on a tank in a stationary position and does not move with fluctuations in the level of the liquid managed in the tank.

*No detectable organic emissions* means no escape of organics to the atmosphere as determined using the procedure specified in §63.905(a) of this subpart.

*Regulated-material* means the material (e.g. waste, wastewater, off-site material) required to be managed in tanks using air emission controls in accordance with the standards specified in this subpart.

*Safety device* means a closure device such as a pressure relief valve, frangible disc, fusible plug, or any other type of device which functions to prevent physical damage or permanent deformation to equipment by venting gases or vapors during unsafe conditions resulting from an unplanned, accidental, or emergency event. For the purpose of this subpart, a safety device is not used for routine venting of gases or vapors from the vapor headspace underneath a cover such as during filling of the unit or to adjust the pressure in this vapor headspace in response to