

Environmental Protection Agency

§ 63.947

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

(iv) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in § 63.947(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 part 63 subpart DD—National Emission Standards for Hazardous Air Pollutant Standards from Off-Site Waste and Recovery Operations.

(c) 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 (c)(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 surface impoundment and no alternative surface impoundment or tank capacity is available at the site to accept the regulated-material normally managed in the surface impoundment. 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 surface impoundment 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 § 63.947 of this subpart.

(d) *Alternative inspection and monitoring interval.* Following the initial inspection and monitoring of a piece of air pollution control equipment in accordance with the applicable provisions of this section, subsequent inspection and monitoring of the equipment may be performed at intervals longer than 1 year when an owner or operator determines that performing the required in-

spection or monitoring procedures would expose a worker to dangerous, hazardous, or otherwise unsafe conditions and the owner or operator complies with the requirements specified in paragraphs (d)(1) and (d)(2) of this section.

(1) The owner or operator must prepare and maintain at the plant site written documentation identifying the specific air pollution control equipment designated as “unsafe to inspect and monitor.” The documentation must include for each piece of air pollution control equipment designated as such a written explanation of the reasons why the equipment is unsafe to inspect or monitor 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 air pollution control equipment using the applicable procedures specified in this section during times when a worker can safely access the air pollution control equipment. 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 air pollution control equipment under the provisions of this section. A copy of the written plan and schedule must be maintained at the plant site.

[61 FR 34186, July 1, 1996, as amended at 64 FR 38989, July 20, 1999]

§ 63.947 Recordkeeping requirements.

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

(1) Documentation describing the floating membrane cover or cover design, as applicable to the surface impoundment.

(2) A record for each inspection required by § 63.946 of this subpart that includes the following information: a surface impoundment 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 inspections required by § 63.946 of this subpart the following information: the location of the defect, a description of

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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 § 63.946(c)(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 surface impoundment equipped with a fixed-roof and vented through a closed-vent system to a control device in accordance with the provisions of § 63.943 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 part 63, subpart DD—National Emission Standards for Hazardous Air Pollutant Standards from Off-Site Waste and Recovery Operations.

§ 63.948 Reporting requirements.

Owners and operators that use a surface impoundment equipped with a fixed-roof and vented through a closed-vent system to a control device in accordance with the provisions of § 63.943 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 part 63, subpart DD—National Emission Standards for Hazardous Air Pollutant Standards from Off-Site Waste and Recovery Operations.

§ 63.949 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 au-

thorities 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 §§ 63.940, 63.942, and 63.943. Where these standards reference subpart DD, the cited provisions will be delegated according to the delegation provisions of subpart DD.

(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]

Subpart RR—National Emission Standards for Individual Drain Systems

SOURCE: 61 FR 34193, July 1, 1996, unless otherwise noted.

§ 63.960 Applicability.

(a) The provisions of this subpart apply to the control of air emissions from individual drain systems 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 individual drain systems 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.

(b) [Reserved]

§ 63.961 Definitions.

All terms used in this subpart shall have the meaning given to them in the