

## Environmental Protection Agency

## § 63.560

### § 63.551 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 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 (4) of this section.

(1) Approval of alternatives to the requirements in §§ 63.541, 63.543 through 63.544, 63.545(a) and (c) through (e), and 63.546.

(2) Approval of major alternatives to test methods for 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 37350, June 23, 2003]

### Subpart Y—National Emission Standards for Marine Tank Vessel Loading Operations

SOURCE: 61 FR 48399, Sept. 19, 1995, unless otherwise noted.

### § 63.560 Applicability and designation of affected source.

(a) *Maximum achievable control technology (MACT) standards.* (1) The provisions of this subpart pertaining to the MACT standards in § 63.562(b) and (d) of

this subpart are applicable to existing and new sources with emissions of 10 or 25 tons, as that term is defined in § 63.561, except as specified in paragraph (d) of this section, and are applicable to new sources with emissions less than 10 and 25 tons, as that term is defined in § 63.561, except as specified in paragraph (d) of this section.

(2) Existing sources with emissions less than 10 and 25 tons are not subject to the emissions standards in § 63.562(b) and (d).

(3) The recordkeeping requirements of § 63.567(j)(4) and the emission estimation requirements of § 63.565(1) apply to existing sources with emissions less than 10 and 25 tons.

(b) *Reasonably available control technology (RACT) standards.* (1) The provisions of this subpart pertaining to RACT standards in § 63.562(c) and (d) of this subpart are applicable to sources with throughput of 10 M barrels or 200 M barrels, as that term is defined in § 63.561, except as specified in paragraph (d) of this section.

(2) Sources with throughput less than 10 M barrels and 200 M barrels, as that term is defined in § 63.561, are not subject to the emissions standards in § 63.562(c) and (d).

(c) *General Provisions applicability.* Owners or operators of affected sources, as that term is defined in § 63.561, of this subpart must comply with the requirements of subpart A of this part in accordance with the provisions for applicability of subpart A to this subpart in Table 1 of this section.

(d) *Exemptions from MACT and RACT standards.* (1) This subpart does not apply to emissions resulting from marine tank vessel loading operations, as that term is defined in § 63.561, of commodities with vapor pressures less than 10.3 kilopascals (kPa) (1.5 pounds per square inch, absolute) (psia) at standard conditions, 20 °C and 760 millimeters Hg (mm Hg).

(2) The provisions of this subpart pertaining to the MACT standards in § 63.562(b)(2), (3) and (4) and to the RACT standards in § 63.562(c)(3) and (4) do not apply to marine tank vessel loading operations where emissions are reduced by using a vapor balancing system, as that term is defined in § 63.561. The provisions pertaining to the vapor