

**§ 63.629**

subject to the requirements of this subpart are shown in appendix A to this subpart.

**§ 63.629 Miscellaneous requirements.**

The Administrator retains the authority to approve site-specific test plans for uncontrolled granular triple superphosphate storage buildings developed pursuant to § 63.7(c)(2)(i).

**§ 63.630 Compliance dates.**

(a) Each owner or operator of an existing affected source at a phosphate fertilizers production plant shall achieve compliance with the requirements of this subpart no later than June 10, 2002. Notwithstanding the requirements of § 63.7(a)(2)(iii), each owner or operator of an existing affected source at a phosphate fertilizers production plant shall fulfill the applicable requirements of § 63.626 no later than June 10, 2002.

(b) Each owner or operator of a phosphate fertilizers production plant that commences construction or reconstruction of an affected source after December 27, 1996 shall achieve compliance with the requirements of this subpart upon startup of operations or by June 10, 1999, whichever is later.

(c) The owner or operator of any existing uncontrolled granular triple superphosphate storage building subject to the provisions of this subpart shall submit for approval by the Administrator a site-specific test plan for each such building according to the provisions of § 63.7(b)(2)(i) no later than June 12, 2000.

**§ 63.631 Exemption from new source performance standards.**

Any affected source subject to the provisions of this subpart is exempted from any otherwise applicable new source performance standard contained in 40 CFR part 60, subpart V, subpart W, or subpart X. To be exempt, a source must have a current operating permit pursuant to Title V of the Act and the source must be in compliance

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with all requirements of this subpart. For each affected source, this exemption is effective upon the date that the owner or operator demonstrates to the Administrator that the requirements of §§ 63.624, 63.625 and 63.626 have been met.

**§ 63.632 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 implementation and enforcement of 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 §§ 63.620, 63.622 through 63.624, and 63.629 through 63.631.

(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 37351, June 23, 2003]

**Environmental Protection Agency**

**Pt. 63, Subpart BB, App. A**

**APPENDIX A TO SUBPART BB OF PART 63—APPLICABILITY OF GENERAL PROVISIONS  
(40 CFR PART 63, SUBPART A) TO SUBPART BB**

40 CFR citation	Requirement	Applies to subpart BB	Comment
63.1(a)(1) through (4)	General Applicability	Yes.	
63.1(a)(5)		No	[Reserved].
63.1(a)(6) through (8)		Yes.	
63.1(a)(9)		No	[Reserved].
63.1(a)(10) through (14)		Yes.	
63.1(b)	Initial Applicability Determination	Yes.	
63.1(c)(1)	Applicability After Standard Established.	Yes.	
63.1(c)(2)		Yes	Some plants may be area sources.
63.1(c)(3)		No	[Reserved].
63.1(c)(4) and (5)		Yes.	
63.1(d)		No	[Reserved].
63.1(e)	Applicability of Permit Program	Yes.	
63.2	Definitions	Yes	Additional definitions in § 63.621.
63.3	Units and Abbreviations	Yes.	
63.4(a)(1) through (3)	Prohibited Activities	Yes.	
63.4(a)(4)		No	[Reserved].
63.4(a)(5)		Yes.	
63.4(b) and (c)	Circumvention/Severability	Yes.	
63.5(a)	Construction/Reconstruction Applicability.	Yes.	
63.5(b)(1)	Existing, New, Reconstructed Sources Requirements.	Yes.	
63.5(b)(2)		No	[Reserved].
63.5(b)(3) through (6)		Yes.	
63.5(c)		No	[Reserved].
63.5(d)	Application for Approval of Construction/Reconstruction.	Yes.	
63.5(e)	Approval of Construction/Reconstruction.	Yes.	
63.5(f)	Approval of Construction/Reconstruction Based on State Review.	Yes.	
63.6(a)	Compliance with Standards and Maintenance Applicability.	Yes.	
63.6(b)(1) through (5)	New and Reconstructed Sources Dates.	Yes	See also § 63.629.
63.6(b)(6)		No	[Reserved].
63.6(b)(7)		Yes.	
63.6(c)(1)	Existing Sources Dates	Yes	§ 63.629 specifies dates.
63.6(c)(2)		Yes.	
63.6(c)(3) and (4)		No	[Reserved].
63.6(c)(5)		Yes.	
63.6(d)		No	[Reserved].
63.6(e)(1) and (2)	Operation & Maintenance Requirements.	Yes	
63.6(e)(3)	Startup, Shutdown, and Malfunction Plan.	Yes	
63.6(f)	Compliance with Emission Standards.	Yes	
63.6(g)	Alternative Standard	Yes.	
63.6(h)	Compliance with Opacity/VE Standards.	No	Subpart BB does not include VE/opacity standards.
63.6(i)(1) through (14)	Extension of Compliance	Yes.	
63.6(i)(15)		No	[Reserved].
63.6(i)(16)		Yes.	
63.6(j)	Exemption from Compliance	Yes.	
63.7(a)	Performance Test Requirements Applicability.	Yes	§ 63.629(a) applies rather than § 63.7(a)(2)(iii).
63.7(b)	Notification	Yes.	
63.7(c)	Quality Assurance/Test Plan	Yes.	
63.7(d)	Testing Facilities	Yes.	
63.7(e)	Conduct of Tests	Yes	§§ 63.624 and 63.625 specify additional requirements.
63.7(f)	Alternative Test Method	Yes.	
63.7(g)	Data Analysis	Yes.	
63.7(h)	Waiver of Tests	Yes.	
63.8(a)(1)	Monitoring Requirements Applicability.	Yes.	

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40 CFR citation	Requirement	Applies to subpart BB	Comment
63.8(a)(2)		No	Subpart BB does not require CMS performance specifications. [Reserved].
63.8(a)(3)		No	
63.8(a)(4)		Yes.	
63.8(b)	Conduct of Monitoring	Yes.	
63.8(c)(1) through (4)	CMS Operation/Maintenance	Yes.	Subpart BB does not require COMS/CEMS or CMS performance specifications.
63.8(c)(5) through (8)		No	
63.8(d)	Quality Control	Yes.	
63.8(e)	CMS Performance Evaluation	No	Subpart BB does not require CMS performance evaluations.
63.8(f)(1) through (5)	Alternative Monitoring Method	Yes.	Subpart BB does not require CEMS.
63.8(f)(6)	Alternative to RATA Test	No	
63.8(g)(1)	Data Reduction	Yes.	Subpart BB does not require COMS or CEMS.
63.8(g)(2)		No	
63.8(g)(3) through (5)		Yes.	
63.9(a)	Notification Requirements Applicability.	Yes.	Subpart BB does not include VE/opacity standards. Subpart BB does not require CMS performance evaluation, COMS, or CEMS.
63.9(b)	Initial Notifications	Yes.	
63.9(c)	Request for Compliance Extension.	Yes.	
63.9(d)	New Source Notification for Special Compliance Requirements.	Yes.	
63.9(e)	Notification of Performance Test	Yes.	
63.9(f)	Notification of VE/Opacity Test	No	
63.9(g)	Additional CMS Notifications	No	
63.9(h)(1) through (3)	Notification of Compliance Status	Yes.	
63.9(h)(4)		No	
63.9(h)(5) and (6)		Yes.	
63.9(i)	Adjustment of Deadlines	Yes.	
63.9(j)	Change in Previous Information	Yes.	
63.10(a)	Recordkeeping/Reporting-Applicability.	Yes.	Subpart BB does not require a CMS quality control program.
63.10(b)	General Recordkeeping Requirements.	Yes.	
63.10(c)(1)	Additional CMS Recordkeeping	Yes.	
63.10(c)(2) through (4)		No	
63.10(c)(5)		Yes.	
63.10(c)(6)		No	
63.10(c)(7) and (8)		Yes.	
63.10(c)(9)		No	
63.10(c)(10) through (13)		Yes.	
63.10(c)(14)		No	
63.10(c)(15)		Yes.	
63.10(d)(1)	General Reporting Requirements	Yes.	
63.10(d)(2)	Performance Test Results	Yes.	
63.10(d)(3)	Opacity or VE Observations	No	
63.10(d)(4) and (5)	Progress Reports/Startup, Shutdown, and Malfunction Reports.	Yes.	
63.10(e)(1) and (2)	Additional CMS Reports	No	
63.10(e)(3)	Excess Emissions/CMS Performance Reports.	Yes	§ 63.626(c)(2) includes additional requirements. A CMS performance report is not required.
63.10(e)(4)	COMS Data Reports	No	Subpart BB does not require COMS.
63.10(f)	Recordkeeping/Reporting Waiver	Yes.	Flares not applicable. Authority for approval of site-specific test plans for GTSP storage buildings is retained (see § 63.628(a)).
63.11(a)	Control Device Requirements Applicability.	Yes.	
63.11(b)	Flares	No	
63.12	State Authority and Delegations	Yes	

40 CFR citation	Requirement	Applies to subpart BB	Comment
63.13 .....	Addresses .....	Yes.	
63.14 .....	Incorporation by Reference .....	Yes.	
63.15 .....	Information Availability/Confidentiality.	Yes.	

[ 64 FR 31382, June 10, 1999, as amended at 67 FR 65078, Dec. 17, 2001]

**Subpart CC—National Emission Standards for Hazardous Air Pollutants From Petroleum Refineries**

SOURCE: 60 FR 43260, Aug. 18, 1995, unless otherwise noted.

**§ 63.640 Applicability and designation of affected source.**

(a) This subpart applies to petroleum refining process units and to related emission points that are specified in paragraphs (c)(5) through (c)(7) of this section that are located at a plant site that meet the criteria in paragraphs (a)(1) and (a)(2) of this section;

(1) Are located at a plant site that is a major source as defined in section 112(a) of the Clean Air Act; and

(2) Emit or have equipment containing or contacting one or more of the hazardous air pollutants listed in table 1 of this subpart.

(b)(1) If the predominant use of the flexible operation unit, as described in paragraphs (b)(1)(i) and (ii) of this section, is as a petroleum refining process unit, as defined in § 63.641, then the flexible operation unit shall be subject to the provisions of this subpart.

(i) Except as provided in paragraph (b)(1)(ii) of this section, the predominant use of the flexible operation unit shall be the use representing the greatest annual operating time.

(ii) If the flexible operation unit is used as a petroleum refining process unit and for another purpose equally based on operating time, then the predominant use of the flexible operation unit shall be the use that produces the greatest annual production on a mass basis.

(2) The determination of applicability of this subpart to petroleum refining process units that are designed and operated as flexible operation units

shall be reported as specified in § 63.654(h)(6)(i).

(c) For the purpose of this subpart, the affected source shall comprise all emission points, in combination, listed in paragraphs (c)(1) through (c)(7) of this section that are located at a single refinery plant site.

(1) All miscellaneous process vents from petroleum refining process units meeting the criteria in paragraph (a) of this section;

(2) All storage vessels associated with petroleum refining process units meeting the criteria in paragraph (a) of this section;

(3) All wastewater streams and treatment operations associated with petroleum refining process units meeting the criteria in paragraph (a) of this section;

(4) All equipment leaks from petroleum refining process units meeting the criteria in paragraph (a) of this section;

(5) All gasoline loading racks classified under Standard Industrial Classification code 2911 meeting the criteria in paragraph (a) of this section;

(6) All marine vessel loading operations located at a petroleum refinery meeting the criteria in paragraph (a) of this section and the applicability criteria of subpart Y, § 63.560; and

(7) All storage vessels and equipment leaks associated with a bulk gasoline terminal or pipeline breakout station classified under Standard Industrial Classification code 2911 located within a contiguous area and under common control with a refinery meeting the criteria in paragraph (a) of this section.

(d) The affected source subject to this subpart does not include the emission points listed in paragraphs (d)(1) through (d)(5) of this section.

(1) Stormwater from segregated stormwater sewers;

(2) Spills;