

§ 63.789

40 CFR Ch. I (7-1-07 Edition)

which the violation(s) occurred, include the following information in his or her records:

(i) A summary of the number and duration of deviations during the reporting period, classified by reason, including known causes for which a Federally-approved or promulgated exemption from an emission limitation or standard may apply.

(ii) Identification of the data availability achieved during the reporting period, including a summary of the number and total duration of incidents that the monitoring protocol failed to perform in accordance with the design of the protocol or produced data that did not meet minimum data accuracy and precision requirements, classified by reason.

(iii) Identification of the compliance status as of the last day of the reporting period and whether compliance was continuous or intermittent during the reporting period.

(iv) If, pursuant to paragraph (b)(4)(iii) of this section, the owner or operator identifies any deviation as resulting from a known cause for which no Federally-approved or promulgated exemption from an emission limitation or standard applies, the monitoring report shall also include all records that the source is required to maintain that pertain to the periods during which such deviation occurred and:

(A) The magnitude of each deviation;

(B) The reason for each deviation;

(C) A description of the corrective action taken for each deviation, including action taken to minimize each deviation and action taken to prevent recurrence; and

(D) All quality assurance activities performed on any element of the monitoring protocol.

(c) *Reporting requirements.* Before the 60th day following completion of each 6-month period after the compliance date specified in § 63.784, each owner or operator of an affected source shall submit a report to the Administrator for each of the previous 6 months. The report shall include all of the information that must be retained pursuant to paragraphs (b) (2) through (3) of this section, except for that information specified in paragraphs (b)(2) (i) through (ii), (b)(2)(v), (b)(3)(i)(A),

(b)(3)(ii)(A), and (b)(3)(iii)(A). If a violation at an affected source is detected, the source shall also report the information specified in paragraph (b)(4) of this section for the reporting period during which the violation(s) occurred. To the extent possible, the report shall be organized according to the compliance procedure(s) followed each month by the affected source.

[60 FR 64336, Dec. 15, 1995, as amended at 61 FR 66227, Dec. 17, 1996]

§ 63.789 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 §§ 63.780 through 63.781, and 63.783 through 63.784.

(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 37353, June 23, 2003]

Environmental Protection Agency

Pt. 63, Subpt. II, Table 2

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

| Reference | Applies to subpart II | Comment |
|---------------------|-----------------------|---|
| 63.1(a)(1)–(3) | Yes. | Subpart II clarifies the applicability of each paragraph in subpart A to sources subject to subpart II. |
| 63.1(a)(4) | Yes. | |
| 63.1(a)(5)–(7) | Yes. | Discusses State programs. |
| 63.1(a)(8) | No | |
| 63.1(a)(9)–(14) .. | Yes. | § 63.781 specifies applicability in more detail. |
| 63.1(b)(1) | Yes. | |
| 63.1(b)(2)–(3) | Yes. | Additional terms are defined in § 63.782; when overlap between subparts A and II occurs, subpart II takes precedence. |
| 63.1(c)–(e) | Yes. | |
| 63.2 | Yes. | Other units used in subpart II are defined in that subpart. |
| 63.3 | Yes. | |
| 63.4 | Yes. | Except information on control devices and control efficiencies should not be included in the application unless an add-on control system is or will be used to comply with subpart II in accordance with § 63.783(c). |
| 63.5(a)–(c) | Yes. | |
| 63.5(d) | Yes. | Except § 63.784(a) specifies the compliance date for existing affected sources. |
| 63.5(e)–(f) | Yes. | |
| 63.6(a)–(b) | Yes. | If an alternative means of limiting emissions (e.g., an add-on control system) is used to comply with subpart II in accordance with § 63.783(c), then these paragraphs do apply. |
| 63.6(c)–(d) | Yes. | |
| 63.6(e)–(f) | No | § 63.783(c) specifies procedures for application and approval of alternative means of limiting emissions. |
| 63.6(g) | No | |
| 63.6(h) | No | Subpart II does not contain any opacity or visible emission standards. |
| 63.6(i)–(j) | Yes. | |
| 63.7 | No | If an alternative means of limiting emissions (e.g., an add-on control system) is used to comply with subpart II in accordance with § 63.783(c), then this section does apply. |
| 63.8 | No | |
| 63.9(a)–(d) | Yes. | If an alternative means of limiting emissions (e.g., an add-on control system) is used to comply with subpart II in accordance with § 63.783(c), then this section does apply. |
| 63.9(e) | No | |
| 63.9(f) | No | Subpart II does not contain any opacity or visible emission standards |
| 63.9(g)–(h) | No | |
| 63.9(i)–(j) | Yes. | If an alternative means of limiting emissions (e.g., an add-on control system) is used to comply with subpart II in accordance with § 63.783(c) then these paragraphs do apply. |
| 63.10(a)–(b) | Yes. | |
| 63.10(c) | No | § 63.788(b)–(c) list additional recordkeeping and reporting requirements. |
| 63.10(d) | Yes. | |
| 63.10(e) | No | If an alternative means of limiting emissions (e.g., an add-on control system) is used to comply with subpart II in accordance with § 63.783(c), then this paragraph does apply. |
| 63.10(f) | Yes. | |
| 63.11 | No | If an alternative means of limiting emissions (e.g., an add-on control system) is used to comply with subpart II in accordance with § 63.783(c), then this section does apply. |
| 63.12–63.15 | Yes. | |

TABLE 2 TO SUBPART II OF PART 63—VOLATILE ORGANIC HAP (VOHAP) LIMITS FOR MARINE COATINGS

| Coating category | VOHAP limits ^{a,b,c} | | |
|---------------------------------|--|---------------------------------|------------------------|
| | Grams/liter coating (minus water and exempt compounds) | Grams/liter solids ^d | |
| | | t ≥4.5 °C | t <4.5 °C ^e |
| General use | 340 | 571 | 728 |
| Specialty: | | | |
| Air flask | 340 | 571 | 728 |
| Antenna | 530 | 1,439 | |
| Antifoulant | 400 | 765 | 971 |
| Heat resistant | 420 | 841 | 1,069 |
| High-gloss | 420 | 841 | 1,069 |
| High-temperature | 500 | 1,237 | 1,597 |
| Inorganic zinc high-build | 340 | 571 | 728 |

| Coating category | VOHAP limits ^{a,b,c} | | |
|---|--|---------------------------------|------------------------|
| | Grams/liter coating (minus water and exempt compounds) | Grams/liter solids ^d | |
| | | t ≥4.5 °C | t <4.5 °C ^e |
| Military exterior | 340 | 571 | 728 |
| Mist | 610 | 2,235 | |
| Navigational aids | 550 | 1,597 | |
| Nonskid | 340 | 571 | 728 |
| Nuclear | 420 | 841 | 1,069 |
| Organic zinc | 360 | 630 | 802 |
| Pretreatment wash primer | 780 | 11,095 | |
| Repair and maint. of thermoplastics | 550 | 1,597 | |
| Rubber camouflage | 340 | 571 | 728 |
| Sealant for thermal spray aluminum | 610 | 2,235 | |
| Special marking | 490 | 1,178 | |
| Specialty interior | 340 | 571 | 728 |
| Tack coat | 610 | 2,235 | |
| Undersea weapons systems | 340 | 571 | 728 |
| Weld-through precon. primer | 650 | 2,885 | |

^aThe limits are expressed in two sets of equivalent units. Either set of limits may be used for the compliance procedure described in § 63.785(c)(1), but only the limits expressed in units of g/L solids (nonvolatiles) shall be used for the compliance procedures described in § 63.785(c) (2) through (4).

^bVOC (including exempt compounds listed as HAP) shall be used as a surrogate for VOHAP for those compliance procedures described in § 63.785(c) (1) through (3).

^cTo convert from g/L to lb/gal, multiply by (3.785 L/gal)/(1/453.6 lb/g) or 1/120. For compliance purposes, metric units define the standards.

^dVOHAP limits expressed in units of mass of VOHAP per volume of solids were derived from the VOHAP limits expressed in units of mass of VOHAP per volume of coating assuming the coatings contain no water or exempt compounds and that the volumes of all components within a coating are additive.

^eThese limits apply during cold-weather time periods, as defined in § 63.782. Cold-weather allowances are not given to coatings in categories that permit less than 40 percent volume solids (nonvolatiles). Such coatings are subject to the same limits regardless of weather conditions.

[60 FR 64336, Dec. 15, 1995, as amended at 61 FR 66228, Dec. 17, 1996]

TABLE 3 TO SUBPART II OF PART 63—SUMMARY OF RECORDKEEPING AND REPORTING REQUIREMENTS ^{ABC}

| Requirement | All Opts. | | Option 1 | | Option 2 | | Option 3 | |
|---|-----------|-----|----------|-----|----------|-----|----------|-----|
| | Rec | Rep | Rec | Rep | Rec | Rep | Rec | Rep |
| Notification (§ 63.9(a)-(d)) | X | X | | | | | | |
| Implementation plan (§ 63.787(b)) ^d | X | X | | | | | | |
| Volume of coating applied at unaffected major sources (§ 63.781(b)) | X | | | | | | | |
| Volume of each low-usage-exempt coating applied at affected sources (§ 63.781(c)) | X | X | | | | | | |
| ID of the coatings used, their appropriate coating categories, and the applicable VOHAP limit | X | X | | | | | | |
| Determination of whether containers meet the standards described in § 63.783(b)(2) | X | X | | | | | | |
| Results of M-24 or other approved tests | X | X | | | | | | |
| Certification of the as-supplied VOC content of each batch | X | | | | | | | |
| Certification of the as-applied VOC content of each batch | | | X | | | | | |
| Volume of each coating applied | | | X | X | | | | |
| Density of each thinner and volume fraction of solids in each batch .. | | | | | X | X | | |
| Maximum allowable thinning ratio(s) for each batch | | | | | X | X | X | X |
| Volume used of each batch, as supplied | | | | | X | X | X | X |
| Total allowable volume of thinner | | | | | X | X | X | X |
| Actual volume of thinner used | | | | | X | X | X | X |
| Identification of each group of coatings and designated thinners | | | | | | | X | X |

^aAffected sources that comply with the cold-weather limits must record and report additional information, as specified in § 63.788(b)(3) (ii)(C), (iii)(C), and (iv)(D).

^bAffected sources that detect a violation must record and report additional information, as specified in § 63.788(b)(4).

^cOPTION 4: the recordkeeping and reporting requirements of Option 4 are identical to those of Options 1, 2, or 3, depending on whether and how thinners are used. However, when using Option 4, the term "VOHAP" shall be used in lieu of the term "VOC," and the owner or operator shall record and report the Administrator-approved VOHAP test method or certification procedure.

^dMajor sources that intend to become area sources by the compliance date may, in lieu of submitting an implementation plan, choose to submit a statement of intent as specified in § 63.787(b)(4).

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Pt. 63, Subpt. II, App. A

**APPENDIX A TO SUBPART II OF PART 63—
VOC DATA SHEET¹**

*Properties of the Coating “As Supplied” by the
Manufacturer²*

Coating Manufacturer: _____
Coating Identification: _____
Batch Identification: _____
Supplied To: _____

Properties of the coating as supplied¹ to
the customer:

- A. Coating Density: (D_c)_s _____ g/L
[] ASTM D1475-90* [] Other³
B. Total Volatiles: (m_v)_s _____ Mass Percent
[] ASTM D2369-93 or 95* [] Other³

- C. Water Content: 1. (m_w)_s _____ Mass Percent
[] ASTM D3792-91* [] ASTM D4017-81,
90, or 96a* [] Other³
2. (v_w)_s _____ Volume Percent
[] Calculated [] Other³
D. Organic Volatiles: (m_o)_s _____ Mass Percent
E. Nonvolatiles: (v_n)_s _____ Volume Percent
[] Calculated [] Other³
F. VOC Content (VOC)_s:
1. _____ g/L solids (nonvolatiles)
2. _____ g/L coating (less water and exempt
compounds)
G. Thinner Density: D_m _____ g/L
ASTM _____ [] Other³

Remarks: (use reverse side)

Signed: _____ Date: _____

[60 FR 64336, Dec. 15, 1995, as amended at 65
FR 62216, Oct. 17, 2000]

¹Adapted from EPA-340/1-86-016 (July 1986),
p. II-2.

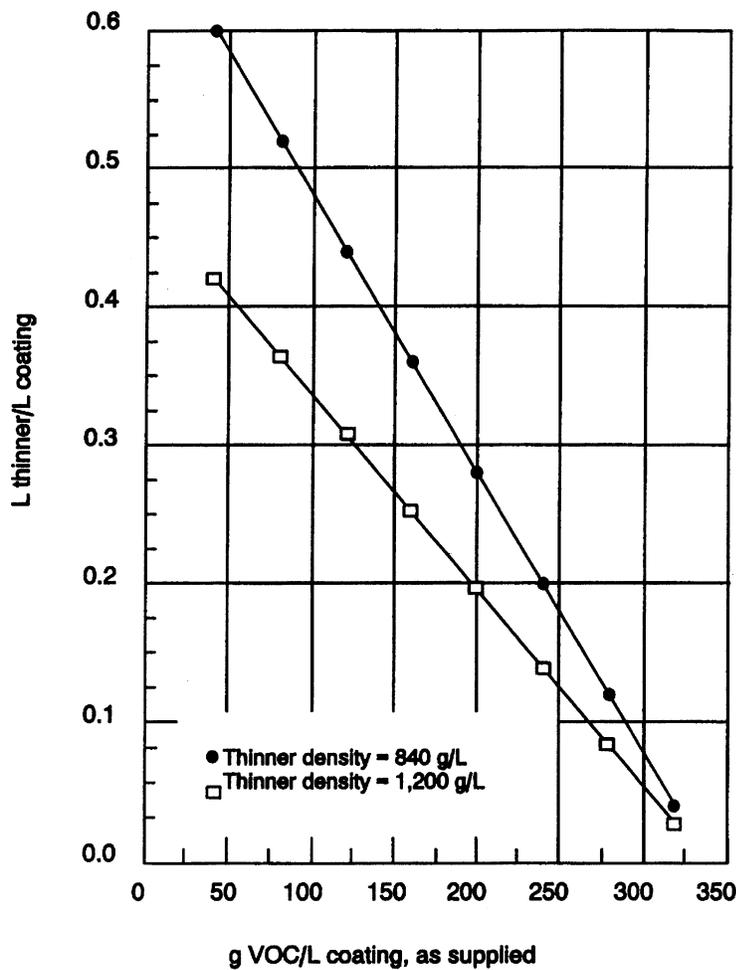
²The subscript “s” denotes each value is
for the coating “as supplied” by the manu-
facturer.

*Incorporation by reference—see §63.14.

³Explain the other method used under
“Remarks.”

APPENDIX B TO SUBPART II TO PART 63—MAXIMUM ALLOWABLE THINNING RATES AS A FUNCTION OF AS SUPPLIED VOC CONTENT AND THINNER DENSITY

Appendix B To Subpart II of Part 63 -- Maximum Allowable Thinning Rates As A Function Of As Supplied VOC Content And Thinner Density^{a,b}



^a These graphs represent maximum allowable thinning ratios for general use coatings without water or exempt compounds.

^b The average density of the volatiles in the coating was assumed = 840 g solvent/L. solvent.