

§ 63.11433

40 CFR Ch. I (7-1-08 Edition)

in paragraph (c) of this section. The notification of applicability must include the following information:

- (1) The name and address of the owner or operator;
- (2) The address (*i.e.*, physical location) of the affected source; and
- (3) An identification of the relevant standard, or other requirement, that is the basis of the notification and the source's compliance date.

(c) If you own or operate a new or existing affected source that uses any wood preservative containing chromium, arsenic, dioxins, or methylene chloride, you must submit a notification of compliance status required by § 63.9(h) no later than 90 days after the applicable compliance date specified in § 63.11429. Your notification of compliance status must include this certification of compliance, signed by a responsible official, for the standards in § 63.11430: "This facility complies with the management practices to minimize air emissions from the preservative treatment of wood in accordance with § 63.11430."

(d) You must report any deviation from the requirements of this subpart within 30 days of the deviation.

[72 FR 38915, July 16, 2007, as amended at 73 FR 15929, Mar. 26, 2008]

**§ 63.11433 What definitions apply to this subpart?**

Terms used in this subpart are defined in the Clean Air Act, § 63.2, and in this section as follows:

*Air scavenging system* means an air collection and control system that collects and removes vapors from a thermal treatment process vessel and vents the emissions to a vapor recovery tank that collects condensate from the vapors.

*Chromated copper arsenate (CCA)* means a chemical wood preservative consisting of mixtures of water-soluble chemicals containing metal oxides of chromium, copper, and arsenic. CCA is used in pressure treated wood to protect wood from rotting due to insects and microbial agents.

*Deviation* means any instance in which an affected source subject to this subpart, or an owner or operator of such a source:

- (1) Fails to meet any requirement or obligation established by this subpart, including but not limited to any emissions limitation or management practice;
- (2) Fails to meet any term or condition that is adopted to implement an applicable requirement in this subpart and that is included in the operating permit for any affected source required to obtain such a permit; or
- (3) Fails to meet any emissions limitation or management practice in this subpart during startup, shutdown, or malfunction, regardless of whether or not such failure is permitted by this subpart.

*Pressure treatment process* means a wood treatment process involving an enclosed vessel, usually a retort, and the application of pneumatic or hydrostatic pressure to expedite the movement of preservative liquid into the wood.

*Responsible official* means responsible official as defined in 40 CFR 70.2.

*Retort* means an airtight pressure vessel, typically a long horizontal cylinder, used for the pressure impregnation of wood products with a liquid wood preservative.

*Thermal treatment process* means a non-pressurized wood treatment process where the wood is exposed to a heated preservative.

*Wood preserving* means the pressure or thermal impregnation of chemicals into wood to provide effective long-term resistance to attack by fungi, bacteria, insects, and marine borers.

**§ 63.11434 Who implements and enforces this subpart?**

(a) This subpart can be implemented and enforced by the U.S. EPA or a delegated authority such as a State, local, or tribal agency. If the U.S. EPA Administrator has delegated authority to a State, local, or tribal agency pursuant to 40 CFR part 63, subpart E, then that Agency has the authority to implement and enforce this subpart. You should contact your U.S. EPA Regional Office to find out if this subpart is delegated to your State, local, or tribal agency.

(b) In delegating implementation and enforcement authority of this subpart to a State, local, or tribal agency