

(H) The number of connectors for which leaks were not repaired as required in § 63.174(d), identifying the number of those that are determined nonrepairable;

(I) The facts that explain any delay of repairs and, where appropriate, why a process shutdown was technically infeasible.

(J) The results of all monitoring to show compliance with §§ 63.164(i), 63.165(a), and 63.172(f) conducted within the semiannual reporting period.

(K) If applicable, the initiation of a monthly monitoring program under either paragraph (c)(4)(ii) or paragraph (e)(4)(i) of this section.

(L) If applicable, notification of a change in connector monitoring alternatives as described in § 63.174(c)(1).

(iii) For owners or operators electing to meet the requirements of § 63.178(b), the report shall include the information listed in paragraphs (h)(3)(iii)(A) through (E) of this paragraph for each process.

(A) Product process equipment train identification;

(B) The number of pressure tests conducted;

(C) The number of pressure tests where the equipment train failed either the retest or two consecutive pressure tests;

(D) The facts that explain any delay of repairs; and

(E) The results of all monitoring to determine compliance with § 63.172(f) of subpart H.

(iv) Any revisions to items reported in earlier Notification of Compliance Status report, if the method of compliance has changed since the last report.

[63 FR 50326, Sept. 21, 1998, as amended at 65 FR 52603, Aug. 29, 2000; 66 FR 40132, Aug. 2, 2001]

§ 63.1256 Standards: Wastewater.

(a) *General.* Each owner or operator of any affected source (existing or new) shall comply with the general wastewater requirements in paragraphs (a)(1) through (3) of this section and the maintenance wastewater provisions in paragraph (a)(4) of this section. An owner or operator may transfer wastewater to a treatment operation not owned by the owner or operator in ac-

cordance with paragraph (a)(5) of this section.

(1) *Identify wastewater that requires control.* For each POD, the owner or operator shall comply with the requirements in either paragraph (a)(1)(i) or (ii) of this section to determine whether a wastewater stream is an affected wastewater stream that requires control for soluble and/or partially soluble HAP compounds or to designate the wastewater stream as an affected wastewater stream, respectively. The owner or operator may use a combination of the approaches in paragraphs (a)(1)(i) and (ii) of this section for different affected wastewater generated at the source.

(i) *Determine characteristics of a wastewater stream.* At new and existing sources, a wastewater stream is an affected wastewater stream if the annual average concentration and annual load exceed any of the criteria specified in paragraph (a)(1)(i)(A) through (C) of this section. At new sources, a wastewater stream is subject to additional control requirements if the annual average concentration and annual load exceed the criteria specified in paragraphs (a)(1)(i)(D) of this section. The owner or operator shall comply with the provisions of § 63.1257(e)(1) to determine the annual average concentrations and annual load of partially soluble and soluble HAP compounds.

(A) The wastewater stream contains partially soluble HAP compounds at an annual average concentration greater than 1,300 ppmw, and the total soluble and partially soluble HAP load in all wastewater from the PMPU exceeds 0.25 Mg/yr.

(B) The wastewater stream contains partially soluble and/or soluble HAP compounds at an annual average concentration greater than 5,200 ppmw, and the total soluble and partially soluble HAP load in all wastewater from the PMPU exceeds 0.25 Mg/yr.

(C) The wastewater stream contains partially soluble and/or soluble HAP at an annual average concentration of greater than 10,000 ppmw, and the total partially soluble and/or soluble HAP load in all wastewater from the affected source is greater than 1 Mg/yr.

(D) The wastewater stream contains soluble HAP compounds at an annual

average concentration greater than 110,000 ppmw, and the total soluble and partially soluble HAP load in all wastewater from the PMPU exceeds 1 Mg/yr.

(ii) *Designate wastewater as affected wastewater.* For existing sources, the owner or operator may elect to designate wastewater streams as meeting the criteria of either paragraphs (a)(1)(i)(A),(B), or (C) of this section. For new sources, the owner or operator may elect to designate wastewater streams meeting the criterion in paragraph (a)(1)(i)(D) or for wastewater known to contain no soluble HAP, as meeting the criterion in paragraph (a)(1)(i)(A) of this section. For designated wastewater the procedures specified in paragraphs (a)(1)(ii)(A) and (B) of this section shall be followed, except as specified in paragraphs (g)(8)(i), (g)(9)(i), and (g)(10) of this section. The owner or operator is not required to determine the annual average concentration or load for each designated wastewater stream for the purposes of this section.

(A) From the POD for the wastewater stream that is designated as an affected wastewater stream to the location where the owner or operator elects to designate such wastewater stream as an affected wastewater stream, the owner or operator shall comply with all applicable emission suppression requirements specified in paragraphs (b) through (f) of this section.

(B) From the location where the owner or operator designates a wastewater stream as an affected wastewater stream, such wastewater stream shall be managed in accordance with all applicable emission suppression requirements specified in paragraphs (b) through (f) of this section and with the treatment requirements in paragraph (g) of this section.

(iii) *Scrubber Effluent.* Effluent from a water scrubber that has been used to control Table 2 HAP-containing vent streams that are controlled in order to meet the process vent requirements in § 63.1254 of this subpart is considered an affected wastewater stream.

(2) *Requirements for affected wastewater.* (i) An owner or operator of a facility shall comply with the applicable requirements for wastewater tanks, surface impoundments, containers, in-

dividual drain systems, and oil/water separators as specified in paragraphs (b) through (f) of this section, except as provided in paragraph (g)(3) of this section.

(ii) Comply with the applicable requirements for control of soluble and partially soluble compounds as specified in paragraph (g) of this section. Alternatively, the owner or operator may elect to comply with the treatment provisions specified in paragraph (a)(5) of this section.

(iii) Comply with the applicable monitoring and inspection requirements specified in § 63.1258.

(iv) Comply with the applicable recordkeeping and reporting requirements specified in §§ 63.1259 and 63.1260.

(3) *Requirements for multiphase discharges.* The owner or operator shall not discharge a separate phase that can be isolated through gravity separation from the aqueous phase to a waste management or treatment unit, unless the stream is discharged to a treatment unit in compliance with paragraph (g)(13) of this section.

(4) *Maintenance wastewater requirements.* Each owner or operator of a source subject to this subpart shall comply with the requirements of paragraphs (a)(4)(i) through (iv) of this section for maintenance wastewater containing partially soluble or soluble HAP listed in Tables 2 and 3 of this subpart. Maintenance wastewater is exempt from all other provisions of this subpart.

(i) The owner or operator shall prepare a description of maintenance procedures for management of wastewater generated from the emptying and purging of equipment in the process during temporary shutdowns for inspections, maintenance, and repair (*i.e.*, a maintenance turnaround) and during periods which are not shutdowns (*i.e.*, routine maintenance). The descriptions shall:

(A) Specify the process equipment or maintenance tasks that are anticipated to create wastewater during maintenance activities; and

(B) Specify the procedures that will be followed to properly manage the wastewater and minimize organic HAP emissions to the atmosphere; and

(C) Specify the procedures to be followed when clearing materials from process equipment.

(ii) The owner or operator shall modify and update the information required by paragraph (a)(4)(i) of this section as needed following each maintenance procedure based on the actions taken and the wastewater generated in the preceding maintenance procedure.

(iii) The owner or operator shall incorporate the procedures described in paragraphs (a)(4)(i) and (ii) of this section as part of the startup, shutdown, and malfunction plan required under § 63.6(e)(3).

(iv) The owner or operator shall maintain a record of the information required by paragraphs (a)(4)(i) and (ii) of this section as part of the startup, shutdown, and malfunction plan required under § 63.6(e)(3).

(5) *Offsite treatment or onsite treatment not owned or operated by the source.* The owner or operator may elect to transfer affected wastewater streams or a residual removed from such affected wastewater to an onsite treatment operation not owned or operated by the owner or operator of the source generating the wastewater or residual, or to an offsite treatment operation.

(i) The owner or operator transferring the wastewater or residual shall:

(A) Comply with the provisions specified in paragraphs (b) through (f) of this section for each waste management unit that receives or manages affected wastewater or a residual removed from affected wastewater prior to shipment or transport.

(B) Include a notice with each shipment or transport of affected wastewater or residual removed from affected wastewater. The notice shall state that the affected wastewater or residual contains organic HAP that are to be treated in accordance with the provisions of this subpart. When the transport is continuous or ongoing (for example, discharge to a publicly-owned treatment works), the notice shall be submitted to the treatment operator initially and whenever there is a change in the required treatment. The owner or operator shall keep a record of the notice in accordance with § 63.1259(g).

(ii) The owner or operator may not transfer the affected wastewater or residual unless the transferee has submitted to the EPA a written certification that the transferee will manage and treat any affected wastewater or residual removed from affected wastewater received from a source subject to the requirements of this subpart in accordance with the requirements of either:

(A) Paragraphs (b) through (i) of this section; or

(B) Subpart D of this part if alternative emission limitations have been granted the transferor in accordance with those provisions; or

(C) Section 63.6(g); or

(D) If the affected wastewater streams or residuals removed from affected wastewater streams received by the transferee contain less than 50 ppmw of partially soluble HAP, then the transferee must, at a minimum, manage and treat the affected wastewater streams and residuals in accordance with one of the following:

(1) Comply with paragraph (g)(10) of this section and cover the waste management units up to the activated sludge unit; or

(2) Comply with paragraphs (g)(11)(i), (ii), and (h) of this section and cover the waste management units up to the activated sludge unit; or

(3) Comply with paragraph (g)(10) of this section provided that the owner or operator of the affected source demonstrates that less than 5 percent of the total soluble HAP is emitted from waste management units up to the activated sludge unit; or

(4) Comply with paragraphs (g)(11)(i), (ii), and (h) of this section provided that the owner or operator of the affected source demonstrates that less than 5 percent of the total soluble HAP is emitted from waste management units up to the activated sludge unit.

(iii) The certifying entity may revoke the written certification by sending a written statement to the EPA and the owner or operator giving at least 90 days notice that the certifying entity is rescinding acceptance of responsibility for compliance with the regulatory provisions listed in this paragraph. Upon expiration of the notice period, the owner or operator may

not transfer the wastewater stream or residual to the treatment operation.

(iv) By providing this written certification to the EPA, the certifying entity accepts responsibility for compliance with the regulatory provisions listed in paragraph (a)(5)(ii) of this section with respect to any shipment of wastewater or residual covered by the written certification. Failure to abide by any of those provisions with respect to such shipments may result in enforcement action by the EPA against the certifying entity in accordance with the enforcement provisions applicable to violations of these provisions by owners or operators of sources.

(v) Written certifications and revocation statements, to the EPA from the transferees of wastewater or residuals shall be signed by the responsible official of the certifying entity, provide the name and address of the certifying entity, and be sent to the appropriate EPA Regional Office at the addresses listed in § 63.13. Such written certifications are not transferable by the treater.

(b) *Wastewater tanks.* For each wastewater tank that receives, manages, or treats affected wastewater or a residual removed from affected wastewater, the owner or operator shall comply with the requirements of either paragraph (b)(1) or (2) of this section as specified in Table 6 of this subpart.

(1) The owner or operator shall operate and maintain a fixed roof except when the contents of the wastewater tank are heated, treated by means of an exothermic reaction, or sparged, during which time the owner or operator shall comply with the requirements specified in paragraph (b)(2) of this section. For the purposes of this paragraph, the requirements of paragraph (b)(2) of this section are satisfied by operating and maintaining a fixed roof if the owner or operator demonstrates that the total soluble and partially soluble HAP emissions from the wastewater tank are no more than 5 percent higher than the emissions would be if the contents of the wastewater tank were not heated, treated by an exothermic reaction, or sparged.

(2) The owner or operator shall comply with the requirements in paragraphs (b)(3) through (9) of this section

and shall operate and maintain one of the emission control techniques listed in paragraphs (b)(2)(i) through (iii) of this section.

(i) A fixed roof and a closed-vent system that routes the organic HAP vapors vented from the wastewater tank to a control device; or

(ii) A fixed roof and an internal floating roof that meets the requirements specified in § 63.119(b), with the differences noted in § 63.1257(c)(3)(i) through (iii) for the purposes of this subpart; or

(iii) An external floating roof that meets the requirements specified in §§ 63.119(c), 63.120(b)(5), and 63.120(b)(6), with the differences noted in § 63.1257(c)(3)(i) through (v) for the purposes of this subpart.

(3) If the owner or operator elects to comply with the requirements of paragraph (b)(2)(i) of this section, the fixed roof shall meet the requirements of paragraph (b)(3)(i) of this section, the control device shall meet the requirements of paragraph (b)(3)(ii) of this section, and the closed-vent system shall meet the requirements of paragraph (b)(3)(iii) of this section.

(i) The fixed roof shall meet the following requirements:

(A) Except as provided in paragraph (b)(3)(iv) of this section, the fixed roof and all openings (e.g., access hatches, sampling ports, and gauge wells) shall be maintained in accordance with the requirements specified in § 63.1258(h).

(B) Each opening shall be maintained in a closed position (e.g., covered by a lid) at all times that the wastewater tank contains affected wastewater or residual removed from affected wastewater except when it is necessary to use the opening for wastewater sampling, removal, or for equipment inspection, maintenance, or repair.

(ii) The control device shall be designed, operated, and inspected in accordance with the requirements of paragraph (h) of this section.

(iii) Except as provided in paragraph (b)(3)(iv) of this section, the closed-vent system shall be inspected in accordance with the requirements of § 63.1258(h).

(iv) For any fixed roof tank and closed-vent system that is operated

and maintained under negative pressure, the owner or operator is not required to comply with the requirements specified in § 63.1258(h).

(4) If the owner or operator elects to comply with the requirements of paragraph (b)(2)(ii) of this section, the floating roof shall be inspected according to the procedures specified in § 63.120(a)(2) and (3), with the differences noted in § 63.1257(c)(3)(iv) for the purposes of this subpart.

(5) Except as provided in paragraph (b)(6) of this section, if the owner or operator elects to comply with the requirements of paragraph (b)(2)(iii) of this section, seal gaps shall be measured according to the procedures specified in § 63.120(b)(2)(i) through (b)(4) and the wastewater tank shall be inspected to determine compliance with § 63.120(b)(5) and (6) according to the schedule specified in § 63.120(b)(1)(i) through (iii).

(6) If the owner or operator determines that it is unsafe to perform the seal gap measurements specified in § 63.120(b)(2)(i) through (b)(4) or to inspect the wastewater tank to determine compliance with § 63.120(b)(5) and (6) because the floating roof appears to be structurally unsound and poses an imminent or potential danger to inspecting personnel, the owner or operator shall comply with the requirements in either paragraph (b)(6)(i) or (ii) of this section.

(i) The owner or operator shall measure the seal gaps or inspect the wastewater tank within 30 calendar days of the determination that the floating roof is unsafe.

(ii) The owner or operator shall empty and remove the wastewater tank from service within 45 calendar days of determining that the roof is unsafe. If the wastewater tank cannot be emptied within 45 calendar days, the owner or operator may utilize up to two extensions of up to 30 additional calendar days each. Documentation of a decision to utilize an extension shall include an explanation of why it was unsafe to perform the inspection or seal gap measurement, shall document that alternate storage capacity is unavailable, and shall specify a schedule of actions that will ensure that the

wastewater tank will be emptied as soon as possible.

(7) Except as provided in paragraph (b)(6) of this section, each wastewater tank shall be inspected initially, and semiannually thereafter, for improper work practices in accordance with § 63.1258(g). For wastewater tanks, improper work practice includes, but is not limited to, leaving open any access door or other opening when such door or opening is not in use.

(8) Except as provided in paragraph (b)(6) of this section, each wastewater tank shall be inspected for control equipment failures as defined in paragraph (b)(8)(i) of this section according to the schedule in paragraphs (b)(8)(ii) and (iii) of this section in accordance with § 63.1258(g).

(i) Control equipment failures for wastewater tanks include, but are not limited to, the conditions specified in paragraphs (b)(8)(i)(A) through (I) of this section.

(A) The floating roof is not resting on either the surface of the liquid or on the leg supports.

(B) There is stored liquid on the floating roof.

(C) A rim seal is detached from the floating roof.

(D) There are holes, tears, cracks or gaps in the rim seal or seal fabric of the floating roof.

(E) There are visible gaps between the seal of an internal floating roof and the wall of the wastewater tank.

(F) There are gaps between the metallic shoe seal or the liquid mounted primary seal of an external floating roof and the wall of the wastewater tank that exceed 212 square centimeters per meter of tank diameter or the width of any portion of any gap between the primary seal and the tank wall exceeds 3.81 centimeters.

(G) There are gaps between the secondary seal of an external floating roof and the wall of the wastewater tank that exceed 21.2 square centimeters per meter of tank diameter or the width of any portion of any gap between the secondary seal and the tank wall exceeds 1.27 centimeters.

(H) Where a metallic shoe seal is used on an external floating roof, one end of the metallic shoe does not extend into

the stored liquid or one end of the metallic shoe does not extend a minimum vertical distance of 61 centimeters above the surface of the stored liquid.

(I) A gasket, joint, lid, cover, or door has a crack or gap, or is broken.

(ii) The owner or operator shall inspect for the control equipment failures in paragraphs (b)(8)(i)(A) through (H) according to the schedule specified in paragraphs (b)(4) and (5) of this section.

(iii) The owner or operator shall inspect for the control equipment failures in paragraph (b)(8)(i)(I) of this section initially, and semiannually thereafter.

(9) Except as provided in paragraph (i) of this section, when an improper work practice or a control equipment failure is identified, first efforts at repair shall be made no later than 5 calendar days after identification and repair shall be completed within 45 calendar days after identification. If a failure that is detected during inspections required by this section cannot be repaired within 45 calendar days and if the tank cannot be emptied within 45 calendar days, the owner or operator may utilize up to two extensions of up to 30 additional calendar days each. Documentation of a decision to utilize an extension shall include a description of the failure, shall document that alternate storage capacity is unavailable, and shall specify a schedule of actions that will ensure that the control equipment will be repaired or the tank will be emptied as soon as practical.

(10) The emission limits specified in § 63.1256 (b)(2) and (h) for control devices used to control emissions from wastewater tanks do not apply during periods of planned routine maintenance of the control device(s) of no more than 240 hours in any 365-day period. The owner or operator may submit an application to the Administrator requesting an extension of this time limit to a total of 360 hours in any 365-day period. The application must explain why the extension is needed, it must specify that no affected wastewater will be added to the tank between the time the 240-hour limit is exceeded and the control device is again operational, and it must be submitted at least 60 days before the 240-hour

limit will be exceeded. Wastewater tanks shall not be sparged with air or other gases without an operational control device.

(c) *Surface impoundments.* For each surface impoundment that receives, manages, or treats affected wastewater or a residual removed from affected wastewater, the owner or operator shall comply with the requirements of paragraphs (c)(1), (2), and (3) of this section.

(1) The owner or operator shall operate and maintain on each surface impoundment either a cover (e.g., air-supported structure or rigid cover) and a closed-vent system that routes the organic hazardous air pollutants vapors vented from the surface impoundment to a control device in accordance with paragraphs (c)(1)(i), (iii), (iv), and (v) of this section, or a floating flexible membrane cover as specified in paragraph (c)(1)(ii) of this section.

(i) The cover and all openings shall meet the following requirements:

(A) Except as provided in paragraph (c)(1)(v) of this section, the cover and all openings (e.g., access hatches, sampling ports, and gauge wells) shall be maintained in accordance with the requirements specified in § 63.1258(h).

(B) Each opening shall be maintained in a closed position (e.g., covered by a lid) at all times that affected wastewater or residual removed from affected wastewater is in the surface impoundment except when it is necessary to use the opening for sampling, removal, or for equipment inspection, maintenance, or repair.

(C) The cover shall be used at all times that affected wastewater or residual removed from affected wastewater is in the surface impoundment except during removal of treatment residuals in accordance with 40 CFR 268.4 or closure of the surface impoundment in accordance with 40 CFR 264.228.

(ii) Floating flexible membrane covers shall meet the requirements specified in paragraphs (c)(1)(ii)(A) through (F) of this section.

(A) The floating flexible cover shall be designed to float on the liquid surface during normal operations, and to form a continuous barrier over the entire surface area of the liquid.

(B) The cover shall be fabricated from a synthetic membrane material that is either:

(1) High density polyethylene (HDPE) with a thickness no less than 2.5 millimeters (100 mils); or

(2) A material or a composite of different materials determined to have both organic permeability properties that are equivalent to those of the material listed in paragraph (c)(1)(ii)(B)(1) of this section, and chemical and physical properties that maintain the material integrity for the intended service life of the material.

(C) The cover shall be installed in a manner such that there are no visible cracks, holes, gaps, or other open spaces between cover section seams or between the interface of the cover edge and its foundation mountings.

(D) Except as provided for in paragraph (c)(1)(ii)(E) of this section, each opening in the floating membrane cover shall be equipped with a closure device designed to operate such that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the cover opening and the closure device.

(E) The floating membrane cover may be equipped with one or more emergency cover drains for removal of stormwater. Each emergency cover drain shall be equipped with a slotted membrane fabric cover that covers at least 90 percent of the area of the opening or a flexible fabric sleeve seal.

(F) The closure devices shall be made of suitable materials that will minimize exposure of organic HAP to the atmosphere, to the extent practical, and will maintain the integrity of the equipment throughout its intended service life. Factors to be considered in designing the closure devices shall include: the effects of any contact with the liquid and its vapor managed in the surface impoundment; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the surface impoundment on which the floating membrane cover is installed.

(G) Whenever affected wastewater or residual from affected wastewater is in the surface impoundment, the floating

membrane cover shall float on the liquid and each closure device shall be secured in the closed position. Opening of closure devices or removal of the cover is allowed to provide access to the surface impoundment for performing routine inspection, maintenance, or other activities needed for normal operations and/or to remove accumulated sludge or other residues from the bottom of surface impoundment. Openings shall be maintained in accordance with § 63.1258(h).

(iii) The control device shall be designed, operated, and inspected in accordance with paragraph (h) of this section.

(iv) Except as provided in paragraph (c)(1)(v) of this section, the closed-vent system shall be inspected in accordance with § 63.1258(h).

(v) For any cover and closed-vent system that is operated and maintained under negative pressure, the owner or operator is not required to comply with the requirements specified in § 63.1258(h).

(2) Each surface impoundment shall be inspected initially, and semiannually thereafter, for improper work practices and control equipment failures in accordance with § 63.1258(g).

(i) For surface impoundments, improper work practice includes, but is not limited to, leaving open any access hatch or other opening when such hatch or opening is not in use.

(ii) For surface impoundments, control equipment failure includes, but is not limited to, any time a joint, lid, cover, or door has a crack or gap, or is broken.

(3) Except as provided in paragraph (i) of this section, when an improper work practice or a control equipment failure is identified, first efforts at repair shall be made no later than 5 calendar days after identification and repair shall be completed within 45 calendar days after identification.

(d) *Containers.* For each container that receives, manages, or treats affected wastewater or a residual removed from affected wastewater, the owner or operator shall comply with the requirements of paragraphs (d)(1) through (5) of this section.

(1) The owner or operator shall operate and maintain a cover on each container used to handle, transfer, or store affected wastewater or a residual removed from affected wastewater in accordance with the following requirements:

(i) Except as provided in paragraph (d)(3)(iv) of this section, if the capacity of the container is greater than 0.42 m³, the cover and all openings (e.g., bungs, hatches, sampling points, and pressure relief valves) shall be controlled in accordance with the requirements of either paragraph (d)(1)(i)(A) or (d)(1)(i)(B) of this section.

(A) The requirements specified in §63.1258(h); or

(B) The requirements of subpart PP of this part for containers using level 2 controls that meet the definitions in §63.923(b)(1) or (2).

(ii) If the capacity of the container is less than or equal to 0.42 m³, the owner or operator shall comply with either paragraph (d)(1)(ii)(A) or (B) of this section.

(A) The container must meet existing Department of Transportation specifications and testing requirements under 49 CFR part 178; or

(B) Except as provided in paragraph (d)(3)(iv) of this section, the cover and all openings shall be maintained without leaks as specified in §63.1258(h).

(iii) The cover and all openings shall be maintained in a closed position (e.g., covered by a lid) at all times that affected wastewater or a residual removed from affected wastewater is in the container except when it is necessary to use the opening for filling, removal, inspection, sampling, or pressure relief events related to safety considerations.

(2) *Filling of large containers.* Pumping affected wastewater or a residual removed from affected wastewater into a container with a capacity greater than or equal to 0.42 m³ shall be conducted in accordance with the conditions in paragraphs (d)(2)(i) and (ii) of this section.

(i) Comply with any one of the procedures specified in paragraph (d)(2)(i)(A), (B), or (C) of this section.

(A) Use a submerged fill pipe. The submerged fill pipe outlet shall extend to no more than 6 inches or within two

fill pipe diameters of the bottom of the container while the container is being filled.

(B) Locate the container within an enclosure with a closed-vent system that routes the organic HAP vapors vented from the container to a control device.

(C) Use a closed-vent system to vent the displaced organic vapors vented from the container to a control device or back to the equipment from which the wastewater is transferred.

(ii) The cover shall remain in place and all openings shall be maintained in a closed position except for those openings required for the submerged fill pipe and for venting of the container to prevent physical damage or permanent deformation of the container or cover.

(3) During treatment of affected wastewater or a residual removed from affected wastewater, including aeration, thermal or other treatment, in a container, whenever it is necessary for the container to be open, the container shall be located within an enclosure with a closed-vent system that routes the organic HAP vapors vented from the container to a control device.

(i) Except as provided in paragraph (d)(3)(iv) of this section, the enclosure and all openings (e.g., doors, hatches) shall be maintained in accordance with the requirements specified in §63.1258(h).

(ii) The control device shall be designed, operated, and inspected in accordance with paragraph (h) of this section.

(iii) Except as provided in paragraph (d)(3)(iv) of this section, the closed-vent system shall be inspected in accordance with §63.1258(h).

(iv) For any enclosure and closed-vent system that is operated and maintained under negative pressure, the owner or operator is not required to comply with the requirements specified in §63.1258(h).

(4) Each container shall be inspected initially, and semiannually thereafter, for improper work practices and control equipment failures in accordance with §63.1258(g).

(i) For containers, improper work practice includes, but is not limited to, leaving open any access hatch or other

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opening when such hatch or opening is not in use.

(ii) For containers, control equipment failure includes, but is not limited to, any time a cover or door has a gap or crack, or is broken.

(5) Except as provided in paragraph (i) of this section, when an improper work practice or a control equipment failure is identified, first efforts at repair shall be made no later than 5 calendar days after identification and repair shall be completed within 15 calendar days after identification.

(e) *Individual drain systems.* For each individual drain system that receives or manages affected wastewater or a residual removed from affected wastewater, the owner or operator shall comply with the requirements of paragraphs (e) (1), (2), and (3) or with paragraphs (e) (4), (5), and (6) of this section.

(1) If the owner or operator elects to comply with this paragraph, the owner or operator shall operate and maintain on each opening in the individual drain system a cover and if vented, route the vapors to a process or through a closed-vent system to a control device. The owner or operator shall comply with the requirements of paragraphs (e)(1)(i) through (v) of this section.

(i) The cover and all openings shall meet the following requirements:

(A) Except as provided in paragraph (e)(1)(iv) of this section, the cover and all openings (e.g., access hatches, sampling ports) shall be maintained in accordance with the requirements specified in § 63.1258(h).

(B) The cover and all openings shall be maintained in a closed position at all times that affected wastewater or a residual removed from affected wastewater is in the drain system except when it is necessary to use the opening for sampling or removal, or for equipment inspection, maintenance, or repair.

(ii) The control device shall be designed, operated, and inspected in accordance with paragraph (h) of this section.

(iii) Except as provided in paragraph (e)(1)(iv) of this section, the closed-vent system shall be inspected in accordance with § 63.1258(h).

(iv) For any cover and closed-vent system that is operated and maintained under negative pressure, the owner or operator is not required to comply with the requirements specified in § 63.1258(h).

(v) The individual drain system shall be designed and operated to segregate the vapors within the system from other drain systems and the atmosphere.

(2) Each individual drain system shall be inspected initially, and semi-annually thereafter, for improper work practices and control equipment failures, in accordance with § 63.1258(g).

(i) For individual drain systems, improper work practice includes, but is not limited to, leaving open any access hatch or other opening when such hatch or opening is not in use for sampling or removal, or for equipment inspection, maintenance, or repair.

(ii) For individual drain systems, control equipment failure includes, but is not limited to, any time a joint, lid, cover, or door has a gap or crack, or is broken.

(3) Except as provided in paragraph (i) of this section, when an improper work practice or a control equipment failure is identified, first efforts at repair shall be made no later than 5 calendar days after identification and repair shall be completed within 15 calendar days after identification.

(4) If the owner or operator elects to comply with this paragraph, the owner or operator shall comply with the requirements in paragraphs (e)(4)(i) through (iii) of this section:

(i) Each drain shall be equipped with water seal controls or a tightly fitting cap or plug. The owner or operator shall comply with paragraphs (e)(4)(i)(A) and (B) of this section.

(A) For each drain equipped with a water seal, the owner or operator shall ensure that the water seal is maintained. For example, a flow-monitoring device indicating positive flow from a main to a branch water line supplying a trap or water being continuously dripped into the trap by a hose could be used to verify flow of water to the trap. Visual observation is also an acceptable alternative.

(B) If a water seal is used on a drain receiving affected wastewater, the

owner or operator shall either extend the pipe discharging the wastewater below the liquid surface in the water seal of the receiving drain, or install a flexible shield (or other enclosure which restricts wind motion across the open area between the pipe and the drain) that encloses the space between the pipe discharging the wastewater to the drain receiving the wastewater. (Water seals which are used on hubs receiving wastewater that is not subject to the provisions of this subpart for the purpose of eliminating cross ventilation to drains carrying affected wastewater are not required to have a flexible shield or extended subsurface discharging pipe.)

(ii) Each junction box shall be equipped with a tightly fitting solid cover (i.e., no visible gaps, cracks, or holes) which shall be kept in place at all times except during inspection and maintenance. If the junction box is vented, the owner or operator shall comply with the requirements in paragraph (e)(4)(ii) (A) or (B) of this section.

(A) The junction box shall be vented to a process or through a closed-vent system to a control device. The closed-vent system shall be inspected in accordance with the requirements of § 63.1258(h) and the control device shall be designed, operated, and inspected in accordance with the requirements of paragraph (h) of this section.

(B) If the junction box is filled and emptied by gravity flow (i.e., there is no pump) or is operated with no more than slight fluctuations in the liquid level, the owner or operator may vent the junction box to the atmosphere provided that the junction box complies with the requirements in paragraphs (e)(4)(ii)(B) (1) and (2) of this section.

(1) The vent pipe shall be at least 90 centimeters in length and no greater than 10.2 centimeters in nominal inside diameter.

(2) Water seals shall be installed and maintained at the wastewater entrance(s) to or exit from the junction box restricting ventilation in the individual drain system and between components in the individual drain system. The owner or operator shall demonstrate (e.g., by visual inspection or

smoke test) upon request by the Administrator that the junction box water seal is properly designed and restricts ventilation.

(iii) The owner or operator shall operate and maintain sewer lines as specified in paragraphs (e)(4)(iii)(A) and (B) of this section.

(A) Except as specified in paragraph (e)(4)(iii)(B) of this section, each sewer line shall not be open to the atmosphere and shall be covered or enclosed in a manner so as to have no visible gaps or cracks in joints, seals, or other emission interfaces.

NOTE: This provision applies to sewers located inside and outside of buildings.

(B) A sewer line connected to drains that are in compliance with paragraph (e)(4)(i) of this section may be vented to the atmosphere, provided that the sewer line entrance to the first downstream junction box is water sealed and the sewer line vent pipe is designed as specified in paragraph (e)(4)(ii)(B)(1) of this section.

(5) Equipment used to comply with paragraphs (e)(4) (i), (ii), or (iii) of this section shall be inspected as follows:

(i) Each drain using a tightly fitting cap or plug shall be visually inspected initially, and semiannually thereafter, to ensure caps or plugs are in place and that there are no gaps, cracks, or other holes in the cap or plug.

(ii) Each junction box shall be visually inspected initially, and semiannually thereafter, to ensure that there are no gaps, cracks, or other holes in the cover.

(iii) The unburied portion of each sewer line shall be visually inspected initially, and semiannually thereafter, for indication of cracks or gaps that could result in air emissions.

(6) Except as provided in paragraph (i) of this section, when a gap, hole, or crack is identified in a joint or cover, first efforts at repair shall be made no later than 5 calendar days after identification, and repair shall be completed within 15 calendar days after identification.

(f) *Oil-water separators.* For each oil-water separator that receives, manages, or treats affected wastewater or a residual removed from affected wastewater, the owner or operator shall

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comply with the requirements of paragraphs (f)(1) through (6) of this section.

(1) The owner or operator shall maintain one of the following:

(i) A fixed roof and a closed-vent system that routes the organic HAP vapors vented from the oil-water separator to a control device. The fixed roof, closed-vent system, and control device shall meet the requirements specified in paragraph (f)(2) of this section;

(ii) A floating roof that meets the requirements in 40 CFR 60.693-2(a)(1)(i), (a)(1)(ii), (a)(2), (a)(3), and (a)(4). For portions of the oil-water separator where it is infeasible to construct and operate a floating roof, such as over the weir mechanism, the owner or operator shall operate and maintain a fixed roof, closed-vent system, and control device that meet the requirements specified in paragraph (f)(2) of this section.

(2) A fixed roof shall meet the requirements of paragraph (f)(2)(i) of this section, a control device shall meet the requirements of paragraph (f)(2)(ii) of this section, and a closed-vent system shall meet the requirements of (f)(2)(iii) of this section.

(i) The fixed roof shall meet the following requirements:

(A) Except as provided in (f)(2)(iv) of this section, the fixed roof and all openings (e.g., access hatches, sampling ports, and gauge wells) shall be maintained in accordance with the requirements specified in § 63.1258(h).

(B) Each opening shall be maintained in a closed, sealed position (e.g., covered by a lid that is gasketed and latched) at all times that the oil-water separator contains affected wastewater or a residual removed from affected wastewater except when it is necessary to use the opening for sampling or removal, or for equipment inspection, maintenance, or repair.

(ii) The control device shall be designed, operated, and inspected in accordance with the requirements of paragraph (h) of this section.

(iii) Except as provided in paragraph (f)(2)(iv) of this section, the closed-vent system shall be inspected in accordance with the requirements of § 63.1258(h).

(iv) For any fixed-roof and closed-vent system that is operated and maintained under negative pressure, the owner or operator is not required to comply with the requirements of § 63.1258(h).

(3) If the owner or operator elects to comply with the requirements of paragraph (f)(1)(ii) of this section, seal gaps shall be measured according to the procedures specified in 40 CFR part 60, subpart QQQ § 60.696(d)(1) and the schedule specified in paragraphs (f)(3)(i) and (ii) of this section.

(i) Measurement of primary seal gaps shall be performed within 60 calendar days after installation of the floating roof and introduction of affected wastewater or a residual removed from affected wastewater and once every 5 years thereafter.

(ii) Measurement of secondary seal gaps shall be performed within 60 calendar days after installation of the floating roof and introduction of affected wastewater or a residual removed from affected wastewater and once every year thereafter.

(4) Each oil-water separator shall be inspected initially, and semiannually thereafter, for improper work practices in accordance with § 63.1258(g). For oil-water separators, improper work practice includes, but is not limited to, leaving open or ungasketed any access door or other opening when such door or opening is not in use.

(5) Each oil-water separator shall be inspected for control equipment failures as defined in paragraph (f)(5)(i) of this section according to the schedule specified in paragraphs (f)(5)(ii) and (iii) of this section.

(i) For oil-water separators, control equipment failure includes, but is not limited to, the conditions specified in paragraphs (f)(5)(i)(A) through (G) of this section.

(A) The floating roof is not resting on either the surface of the liquid or on the leg supports.

(B) There is stored liquid on the floating roof.

(C) A rim seal is detached from the floating roof.

(D) There are holes, tears, or other open spaces in the rim seal or seal fabric of the floating roof.

(E) There are gaps between the primary seal and the separator wall that exceed 67 square centimeters per meter of separator wall perimeter or the width of any portion of any gap between the primary seal and the separator wall exceeds 3.8 centimeters.

(F) There are gaps between the secondary seal and the separator wall that exceed 6.7 square centimeters per meter of separator wall perimeter or the width of any portion of any gap between the secondary seal and the separator wall exceeds 1.3 centimeters.

(G) A gasket, joint, lid, cover, or door has a gap or crack, or is broken.

(ii) The owner or operator shall inspect for the control equipment failures in paragraphs (f)(5)(i)(A) through (F) according to the schedule specified in paragraph (f)(3) of this section.

(iii) The owner or operator shall inspect for control equipment failures in paragraph (f)(5)(i)(G) of this section initially, and semiannually thereafter.

(6) Except as provided in paragraph (i) of this section, when an improper work practice or a control equipment failure is identified, first efforts at repair shall be made no later than 5 calendar days after identification and repair shall be completed within 45 calendar days after identification.

(g) *Performance standards for treatment processes managing wastewater and/or residuals removed from wastewater.* This section specifies the performance standards for treating affected wastewater. The owner or operator shall comply with the requirements as specified in paragraphs (g)(1) through (6) of this section. Where multiple compliance options are provided, the options may be used in combination for different wastewater and/or for different compounds (e.g., soluble versus partially soluble compounds) in the same wastewater, except where otherwise provided in this section. Once affected wastewater or a residual removed from affected wastewater has been treated in accordance with this subpart, it is no longer subject to the requirements of this subpart.

(1) *Existing source.* For a wastewater stream at an existing source that exceeds or is designated to exceed the concentration and load criteria in paragraph (a)(1)(i)(A) of this section,

the owner or operator shall comply with a control option in paragraph (g)(8) of this section. For a wastewater stream at an existing source that exceeds the concentration and load criteria in either paragraph (a)(1)(i)(B) or (C) of this section, the owner or operator shall comply with a control option in paragraph (g)(8) of this section and a control option in paragraph (g)(9) of this section. As an alternative to the control options in paragraphs (g)(8) and (g)(9) of this section, the owner or operator may comply with a control option in either paragraph (g)(10), (11) or (13) of this section, as applicable.

(2) *New source.* For a wastewater stream at a new source that exceeds or is designated to exceed the concentration and load criteria in paragraph (a)(1)(i)(A) of this section, the owner or operator shall comply with a control option in paragraph (g)(8) of this section. For wastewater at a new source that exceeds the concentration and load criteria in either paragraph (a)(1)(i)(B) or (C) of this section, but does not exceed the criteria in paragraph (a)(1)(i)(D) of this section, the owner or operator shall comply with a control option in paragraph (g)(8) of this section and a control option in paragraph (g)(9) of this section. As an alternative to the control options in paragraphs (g)(8) and/or (9) of this section, the owner or operator may comply with a control option in either paragraph (g)(10), (11), or (13) of this section, as applicable. For a wastewater stream at a new source that exceeds or is designated to exceed the concentration and load criteria in paragraph (a)(1)(i)(D) of this section, the owner or operator shall comply with a control option in paragraph (g)(12) or (13) of this section.

(3) *Biological treatment processes.* Biological treatment processes in compliance with this section may be either open or closed biological treatment processes as defined in § 63.1251. An open biological treatment process in compliance with this section need not be covered and vented to a control device. An open or a closed biological treatment process in compliance with this section and using § 63.1257(e)(2)(iii)(E) or (F) to demonstrate compliance is not subject to

the requirements of paragraphs (b) and (c) of this section. A closed biological treatment process in compliance with this section and using § 63.1257(e)(2)(iii)(G) to demonstrate compliance shall comply with the requirements of paragraphs (b) and (c) of this section. Waste management units upstream of an open or closed biological treatment process shall meet the requirements of paragraphs (b) through (f) of this section, as applicable.

(4) *Performance tests and design evaluations.* If the Resource Conservation and Recovery Act (RCRA) option [paragraph (g)(13) of this section] or the enhanced biological treatment process for soluble HAP compounds option [paragraph (g)(10) of this section] is selected to comply with this section, neither a design evaluation nor a performance test is required. For any other nonbiological treatment process, and for closed biological treatment processes as defined in § 63.1251, the owner or operator shall conduct either a design evaluation as specified in § 63.1257(e)(2)(ii) or performance test as specified in § 63.1257(e)(2)(iii). For each open biological treatment process as defined in § 63.1251, the owner or operator shall conduct a performance test as specified in § 63.1257(e)(2)(iii)(E) or (F).

(5) *Control device requirements.* When gases are vented from the treatment process, the owner or operator shall comply with the applicable control device requirements specified in paragraph (h) of this section and § 63.1257(e)(3), and the applicable leak inspection provisions specified in § 63.1258(h). This requirement is in addition to the requirements for treatment systems specified in paragraphs (g)(8) through (14) of this section. This requirement does not apply to any open biological treatment process that meets the mass removal requirements.

(6) *Residuals: general.* When residuals result from treating affected wastewater, the owner or operator shall comply with the requirements for residuals specified in paragraph (g)(14) of this section.

(7) *Treatment using a series of treatment processes.* In all cases where the wastewater provisions in this subpart allow or require the use of a treatment

process or control device to comply with emissions limitations, the owner or operator may use multiple treatment processes or control devices, respectively. For combinations of treatment processes where the wastewater stream is conveyed by hard-piping, the owner or operator shall comply with either the requirements of paragraph (g)(7)(i) or (ii) of this section. For combinations of treatment processes where the wastewater stream is not conveyed by hard-piping, the owner or operator shall comply with the requirements of paragraph (g)(7)(ii) of this section. For combinations of control devices, the owner or operator shall comply with the requirements of paragraph (g)(7)(i) of this section.

(i) *Compliance across the combination of all treatment units or control devices in series.* (A) For combinations of treatment processes, the wastewater stream shall be conveyed by hard-piping between the treatment processes. For combinations of control devices, the vented gas stream shall be conveyed by hard-piping between the control devices.

(B) For combinations of treatment processes, each treatment process shall meet the applicable requirements of paragraphs (b) through (f) of this section, except as provided in paragraph (g)(3) of this section.

(C) The owner or operator shall identify, and keep a record of, the combination of treatment processes or of control devices, including identification of the first and last treatment process or control device. The owner or operator shall include this information as part of the treatment process description reported in the Notification of Compliance Status.

(D) The performance test or design evaluation shall determine compliance across the combination of treatment processes or control devices. If a performance test is conducted, the "inlet" shall be the point at which the wastewater stream or residual enters the first treatment process, or the vented gas stream enters the first control device. The "outlet" shall be the point at which the treated wastewater stream exits the last treatment process, or the vented gas stream exits the last control device.

(ii) *Compliance across individual units.* (A) For combinations of treatment processes, each treatment process shall meet the applicable requirements of paragraphs (b) through (f) of this section except as provided in paragraph (g)(3) of this section.

(B) The owner or operator shall identify, and keep a record of, the combination of treatment processes, including identification of the first and last treatment process. The owner or operator shall include this information as part of the treatment process description reported in the Notification of Compliance Status report.

(C) The owner or operator shall determine the mass removed or destroyed by each treatment process. The performance test or design evaluation shall determine compliance for the combination of treatment processes by adding together the mass removed or destroyed by each treatment process and determine the overall control efficiency of the treatment system.

(8) *Control options: Wastewater containing partially soluble HAP compounds.* The owner or operator shall comply with either paragraph (g)(8)(i) or (ii) of this section for the control of partially soluble HAP compounds at new or existing sources.

(i) *50 ppmw concentration option.* The owner or operator shall comply with paragraphs (g)(8)(i)(A) and (B) of this section.

(A) Reduce, by removal or destruction, the concentration of total partially soluble HAP compounds to a level less than 50 ppmw as determined by the procedures specified in § 63.1257(e)(2)(iii)(B).

(B) This option shall not be used when the treatment process is a biological treatment process. This option shall not be used when the wastewater is designated as an affected wastewater as specified in paragraph (a)(1)(ii) of this section. Dilution shall not be used to achieve compliance with this option.

(ii) *Percent mass removal/destruction option.* The owner or operator shall reduce, by removal or destruction, the mass of total partially soluble HAP compounds by 99 percent or more. The removal destruction efficiency shall be determined by the procedures specified in § 63.1257(e)(2)(ii) or (iii)(C) for non-

combustion, nonbiological treatment processes; § 63.1257(e)(2)(ii) or (iii)(D) for combustion processes; § 63.1257(e)(2)(iii)(F) for open biological treatment processes; and § 63.1257(e)(2)(ii) or (iii)(G) for closed biological treatment processes.

(9) *Control options: Wastewater containing soluble HAP compounds.* The owner or operator shall comply with either paragraph (g)(9)(i) or (ii) of this section for the control of soluble HAP compounds at new or existing sources.

(i) *520 ppmw concentration option.* The owner or operator shall comply with paragraphs (g)(9)(i)(A) and (B) of this section.

(A) Reduce, by removal or destruction, the concentration of total soluble HAP compounds to a level less than 520 ppmw as determined in the procedures specified in § 63.1257(e)(2)(iii)(B).

(B) This option shall not be used when the treatment process is a biological treatment process. This option shall not be used when the wastewater is designated as an affected wastewater as specified in paragraph (a)(1)(ii) of this section. Dilution shall not be used to achieve compliance with this option.

(ii) *Percent mass removal/destruction option.* The owner or operator shall reduce the mass of total soluble HAP by 90 percent or more, either by removal or destruction. The removal/destruction efficiency shall be determined by the procedures in § 63.1257(e)(2)(ii) or (e)(2)(iii)(C) for noncombustion, nonbiological treatment processes; § 63.1257(e)(2)(ii) or (e)(2)(iii)(D) for combustion processes; § 63.1257(e)(2)(iii)(F) for open biological treatment processes; and § 63.1257(e)(2)(ii) or (e)(2)(iii)(G) for closed, biological treatment processes.

(10) *Control option: Enhanced biotreatment for wastewater containing soluble HAP.* The owner or operator may elect to treat affected wastewater streams containing soluble HAP in an enhanced biological treatment system, as defined in § 63.1251, provided the wastewater stream contains less than 50 ppmw partially soluble HAP, or the owner or operator complies with the requirements of paragraph (g)(8) of this section before treating the affected wastewater stream in the enhanced biological treatment system. This option shall

not be used when the wastewater is designated as an affected wastewater as specified in paragraph (a)(1)(ii) of this section. These treatment processes are exempt from the design evaluation or performance tests requirements specified in paragraph (g)(4) of this section.

(11) *95-percent mass reduction option, for biological treatment processes.* The owner or operator of a new or existing source using biological treatment for any affected wastewater shall reduce the mass of total soluble and partially soluble HAP sent to that biological treatment unit by at least 95 percent. All wastewater as defined in § 63.1251 entering such a biological treatment unit from PMPU's subject to this subpart shall be included in the demonstration of the 95-percent mass removal. The owner or operator shall comply with paragraphs (g)(11)(i) through (iv) of this section.

(i) Except as provided in paragraph (g)(11)(iv) of this section, the owner or operator shall ensure that all wastewater from PMPU's subject to this subpart entering a biological treatment unit are treated to destroy at least 95-percent total mass of all soluble and partially soluble HAP compounds.

(ii) For open biological treatment processes, compliance shall be determined using the procedures specified in § 63.1257(e)(2)(iii)(E). For closed aerobic biological treatment processes, compliance shall be determined using the procedures specified in § 63.1257(e)(2)(ii), (iii)(E), or (iii)(G). For closed anaerobic biological treatment processes, compliance shall be determined using the procedures specified in § 63.1257(e)(2)(ii) or (iii)(G).

(iii) For each treatment process or waste management unit that receives, manages, or treats wastewater subject to this paragraph, from the POD to the biological treatment unit, the owner or operator shall comply with paragraphs (b) through (f) of this section for control of air emissions. When complying with this paragraph, the term affected wastewater in paragraphs (b) through (f) of this section shall mean all wastewater from PMPU's, not just affected wastewater.

(iv) If wastewater is in compliance with the requirements in paragraph

(g)(8), (9), or (12) of this section before entering the biological treatment unit, the hazardous air pollutants mass of that wastewater is not required to be included in the total mass flow rate entering the biological treatment unit for the purpose of demonstrating compliance.

(12) *Percent mass removal/destruction option for soluble HAP compounds at new sources.* The owner or operator of a new source shall reduce, by removal or destruction, the mass flow rate of total soluble HAP from affected wastewater by 99 percent or more. The removal/destruction efficiency shall be determined by the procedures in § 63.1257(e)(2)(ii) or (iii)(C) for non-combustion, nonbiological treatment processes; § 63.1257(e)(2)(ii) and (iii)(D) for combustion processes; § 63.1257(e)(2)(iii)(F) for open biological treatment processes; and § 63.1257(e)(2)(ii) or (iii)(G) for closed biological treatment processes.

(13) *Treatment in a RCRA unit option.* The owner or operator shall treat the affected wastewater or residual in a unit identified in, and complying with, paragraph (g)(13)(i), (ii), or (iii) of this section. These units are exempt from the design evaluation or performance tests requirements specified in paragraph (g)(4) of this section and § 63.1257(e)(2), and from the monitoring requirements specified in paragraph (a)(2)(iii) of this section, as well as recordkeeping and reporting requirements associated with monitoring and performance tests.

(i) The wastewater or residual is discharged to a hazardous waste incinerator for which the owner or operator has been issued a final permit under 40 CFR part 270 and complies with the requirements of 40 CFR part 264, subpart O, or has certified compliance with the interim status requirements of 40 CFR part 265, subpart O;

(ii) The wastewater or residual is discharged to a process heater or boiler burning hazardous waste for which the owner or operator:

(A) Has been issued a final permit under 40 CFR part 270 and complies with the requirements of 40 CFR part 266, subpart H; or

(B) Has certified compliance with the interim status requirements of 40 CFR part 266, subpart H.

(iii) The wastewater or residual is discharged to an underground injection well for which the owner or operator has been issued a final permit under 40 CFR part 270 or 40 CFR part 144 and complies with the requirements of 40 CFR part 122. The owner or operator shall comply with all applicable requirements of this subpart prior to the point where the wastewater enters the underground portion of the injection well.

(14) *Residuals*. For each residual removed from affected wastewater, the owner or operator shall control for air emissions by complying with paragraphs (b) through (f) of this section and by complying with one of the provisions in paragraphs (g)(14)(i) through (iv) of this section.

(i) Recycle the residual to a production process or sell the residual for the purpose of recycling. Once a residual is returned to a production process, the residual is no longer subject to this section.

(ii) Return the residual to the treatment process.

(iii) Treat the residual to destroy the total combined mass flow rate of soluble and/or partially soluble HAP compounds by 99 percent or more, as determined by the procedures specified in § 63.1257(e)(2)(iii)(C) or (D).

(iv) Comply with the requirements for RCRA treatment options specified in paragraph (g)(13) of this section.

(h) *Control devices*. For each control device or combination of control devices used to comply with the provisions in paragraphs (b) through (f) and (g)(5) of this section, the owner or operator shall operate and maintain the control device or combination of control devices in accordance with the requirements of paragraphs (h)(1) through (5) of this section.

(1) Whenever organic HAP emissions are vented to a control device which is used to comply with the provisions of this subpart, such control device shall be operating.

(2) The control device shall be designed and operated in accordance with paragraph (h)(2) (i), (ii), (iii), (iv), or (v)

of this section, as demonstrated by the provisions in § 63.1257(e)(3).

(i) An enclosed combustion device (including but not limited to a vapor incinerator, boiler, or process heater) shall meet the conditions in paragraph (h)(2)(i) (A), (B), or (C) of this section, alone or in combination with other control devices. If a boiler or process heater is used as the control device, then the vent stream shall be introduced into the flame zone of the boiler or process heater.

(A) Reduce the organic HAP emissions vented to the control device by 95 percent by weight or greater;

(B) Achieve an outlet TOC concentration of 20 ppmv on a dry basis corrected to 3 percent oxygen. The owner or operator shall use either Method 18 of 40 CFR part 60, appendix A, or any other method or data that has been validated according to the applicable procedures in Method 301 of appendix A of this part; or

(C) Provide a minimum residence time of 0.5 seconds at a minimum temperature of 760 °C.

(ii) A vapor recovery system (including but not limited to a carbon adsorption system or condenser), alone or in combination with other control devices, shall reduce the organic HAP emissions vented to the control device by 95 percent by weight or greater or achieve an outlet TOC concentration of 20 ppmv. The 20 ppmv performance standard is not applicable to compliance with the provisions of paragraphs (c) or (d) of this section.

(iii) A flare shall comply with the requirements of § 63.11(b).

(iv) A scrubber, alone or in combination with other control devices, shall reduce the organic HAP emissions in such a manner that 95 weight-percent is either removed, or destroyed by chemical reaction with the scrubbing liquid, or achieve an outlet TOC concentration of 20 ppmv. The 20 ppmv performance standard is not applicable to compliance with the provisions of paragraphs (c) or (d) of this section.

(v) Any other control device used shall, alone or in combination with other control devices, reduce the organic HAP emissions vented to the control device by 95 percent by weight or greater or achieve an outlet TOC

concentration of 20 ppmv. The 20 ppmv performance standard is not applicable to compliance with the provisions of paragraphs (c) or (d) of this section.

(3) If the control device is a combustion device, the owner or operator shall comply with the requirements in § 63.1252(g) to control halogenated vent streams.

(4) Except as provided in paragraph (i) of this section, if gaps, cracks, tears, or holes are observed in ductwork, piping, or connections to covers and control devices during an inspection, a first effort to repair shall be made as soon as practical but no later than 5 calendar days after identification. Repair shall be completed no later than 15 calendar days after identification or discovery of the defect.

(5) The provisions in paragraphs (h)(1) through (4) of this section apply at all times, except as specified in § 63.1250(g). The owner or operator may not comply with the planned routine maintenance provisions in § 63.1252(h) for vent streams from waste management units.

(i) *Delay of repair.* Delay of repair of equipment for which a control equipment failure or a gap, crack, tear, or hole has been identified, is allowed if the repair is technically infeasible without a shutdown, as defined in § 63.1251, or if the owner or operator determines that emissions of purged material from immediate repair would be greater than the emissions likely to result from delay of repair. Repair of this equipment shall occur by the end of the next shutdown.

(1) Delay of repair of equipment for which a control equipment failure or a gap, crack, tear, or hole has been identified, is allowed if the equipment is emptied or is no longer used to treat or manage affected wastewater or residuals removed from affected wastewater.

(2) Delay of repair of equipment for which a control equipment failure or a gap, crack, tear, or hole has been identified is also allowed if additional time is necessary due to the unavailability of parts beyond the control of the owner or operator. Repair shall be completed as soon as practical. The owner or operator who uses this provision shall comply with the requirements of

§ 63.1259(h) to document the reasons that the delay of repair was necessary.

[63 FR 50326, Sept. 21, 1998, as amended at 65 FR 52607, Aug. 29, 2000; 66 FR 40133, Aug. 2, 2001; 70 FR 25670, May 13, 2005; 71 FR 20459, Apr. 20, 2006]

§ 63.1257 Test methods and compliance procedures.

(a) *General.* Except as specified in paragraph (a)(5) of this section, the procedures specified in paragraphs (c), (d), (e), and (f) of this section are required to demonstrate initial compliance with §§ 63.1253, 63.1254, 63.1256, and 63.1252(e), respectively. The provisions in paragraphs (a) (2) through (3) apply to performance tests that are specified in paragraphs (c), (d), and (e) of this section. The provisions in paragraph (a)(5) of this section are used to demonstrate initial compliance with the alternative standards specified in §§ 63.1253(d) and 63.1254(c). The provisions in paragraph (a)(6) of this section are used to comply with the outlet concentration requirements specified in §§ 63.1253(c), 63.1254 (a)(2)(i) and (a)(3)(ii)(B), 63.1254(b)(i) and 63.1256(h)(2).

(1) *Design evaluation.* To demonstrate that a control device meets the required control efficiency, a design evaluation must address the composition and organic HAP concentration of the vent stream entering the control device. A design evaluation also must address other vent stream characteristics and control device operating parameters as specified in any one of paragraphs (a)(1) (i) through (vi) of this section, depending on the type of control device that is used. If the vent stream is not the only inlet to the control device, the efficiency demonstration also must consider all other vapors, gases, and liquids, other than fuels, received by the control device.

(i) For an enclosed combustion device used to comply with the provisions of 63.1253 (b)(2) or (c)(2), or 63.1256(h)(2)(i)(C) with a minimum residence time of 0.5 seconds and a minimum temperature of 760 °C, the design evaluation must document that these conditions exist.

(ii) For a combustion control device that does not satisfy the criteria in paragraph (a)(1)(i) of this section, the