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(E) The total actual source-wide HAP ABA emissions for the month, determined in accordance with § 63.1299(c)(1), along with the information listed in paragraphs (c)(2)(iii)(E)(I) and (2) of this section.

(I) The amounts of HAP ABA in the storage vessel at the beginning and end of the month, determined in accordance with § 63.1299(c)(2); and

(2) The amount of each delivery of HAP ABA to the storage vessel, determined in accordance with § 63.1299(c)(3).

(iv) Each source complying with the rolling annual compliance provisions of § 63.1299(a) shall maintain the records listed in paragraphs (c)(2)(iv)(A) and (B) of this section.

(A) The sum of the total allowable HAP ABA and equipment cleaning HAP emissions for the month and the previous 11 months.

(B) The sum of the total actual HAP ABA and equipment cleaning HAP emissions for the month and the previous 11 months.

(v) Records of all calibrations for each device used to measure polyol added at the mixhead, conducted in accordance with § 63.1303(b)(3).

(vi) Records of all calibrations for each device used to measure the amount of HAP ABA in the storage vessel, conducted in accordance with § 63.1303(d)(1).

(vii) Records to verify that all scales used to measure the amount of HAP ABA added to the storage vessel meet the requirements of § 63.1303(e)(3). For scales meeting the criteria of § 63.1303(e)(3)(i), this documentation shall be in the form of written confirmation of the State or local approval. For scales complying with § 63.1303(e)(3)(ii), this documentation shall be in the form of a report provided by the registered scale technician.

(d) The owner or operator of each affected source complying with § 63.1297 or § 63.1299 through the use of a recovery device shall maintain the following records:

(1) A copy of the recovered HAP ABA monitoring and recordkeeping program, developed pursuant to § 63.1303(c);

(2) Certification of the accuracy of the monitoring device,

(3) Records of periodic calibration of the monitoring devices,

(4) Records of parameter monitoring results, and

(5) The amount of HAP ABA recovered each time it is measured.

(e) The owner or operator of an affected source subject to § 63.1298 of this subpart shall maintain a product data sheet for each equipment cleaner used which includes the HAP content, in kg of HAP/kg solids (lb HAP/lb solids).

(f) The owner or operator of an affected source following the compliance methods in § 63.1308(b)(1) and (c)(1) shall maintain records of each use of a vapor return line during unloading, of any leaks detected during unloading, and of repairs of leaks detected during unloading.

(g) The owner or operator of an affected source subject to § 63.1300 or § 63.1301 of this subpart shall maintain a product data sheet for each compound other than diisocyanates used to flush the mixhead and associated piping during periods of startup or maintenance, which includes the HAP content, in kg of HAP/kg solids (lb HAP/lb solids), of each solvent other than diisocyanates used to flush the mixhead and associated piping during periods of startup or maintenance.

(h) The owner or operator of an affected source subject to § 63.1300 or § 63.1301 of this subpart shall maintain a product data sheet for each mold release agent used that includes the HAP content, in kg of HAP/kg solids (lb HAP/lb solids), of each mold release agent.

§ 63.1308 Compliance demonstrations.

(a) For each affected source, compliance with the requirements listed in paragraphs (a)(1) through (a)(2) of this section shall mean compliance with the requirements contained in §§ 63.1293 through 63.1301, absent any credible evidence to the contrary.

(1) The requirements described in Tables 3, 4, and 5 of this subpart; and

(2) The requirement to submit a compliance certification annually as required under § 63.1306(g).

(b) *All slabstock affected sources.* For slabstock affected sources, failure to meet the requirements contained in § 63.1294 shall be considered a violation

of this subpart. Violation of each item listed in the paragraphs (b)(1) through (b)(6) of this section, as applicable, shall be considered a separate violation.

(1) For each affected source complying with § 63.1294(a) in accordance with § 63.1294(a)(1), each unloading event that occurs when the diisocyanate storage vessel is not equipped with a vapor return line from the storage vessel to the tank truck or rail car, each unloading event that occurs when the vapor line is not connected, each unloading event that the vapor line is not inspected for leaks as described in § 63.1294(a)(1)(i), each unloading event that occurs after a leak has been detected and not repaired, and each calendar day after a leak is detected, but not repaired as soon as practicable;

(2) For each affected source complying with § 63.1294(a) in accordance with § 63.1294(a)(2), each unloading event that the diisocyanate storage vessel is not equipped with a carbon adsorption system, each unloading event (or each month if more than one unloading event occurs in a month) that the carbon adsorption system is not monitored for breakthrough in accordance with § 63.1303(a)(3) or (4), and each unloading event that occurs when the carbon is not replaced after an indication of breakthrough;

(3) For each affected source complying with § 63.1294(a) in accordance with § 63.1294(a)(2) through the alternative monitoring procedures in § 63.1303(a)(2), each unloading event that the diisocyanate storage vessel is not equipped with a carbon adsorption system, each time that the carbon adsorption system is not monitored for breakthrough in accordance with § 63.1303(a)(3) or (4) at the interval established in the design analysis, and each unloading event that occurs when the carbon is not replaced after an indication of breakthrough;

(4) For each affected source complying with § 63.1294(b) in accordance with § 63.1294(b)(1), each calendar day that a transfer pump in diisocyanate service is not a sealless pump;

(5) For each affected source complying with § 63.1294(b) in accordance with § 63.1294(b)(2), each calendar day

that a transfer pump in diisocyanate service is not submerged as described in § 63.1294(b)(2)(i), each week that the pump is not visually monitored for leaks, each calendar day after 5 calendar days after detection of a leak that a first attempt at repair has not been made in accordance with § 63.1294(b)(2)(iii)(B), and the earlier of each calendar day after 15 calendar days after detection of a leak that a leak is not repaired, or a leak is not repaired as soon as practicable, each subsequent calendar day (with the exception of situations meeting the criteria of § 63.1294(d));

(6) For each affected source complying with § 63.1294(c), each calendar day after 5 calendar days after detection of a leak that a first attempt at repair has not been made, and the earlier of each calendar day after 15 calendar days after detection of a leak that a leak is not repaired, or if a leak is not repaired as soon as practicable, each subsequent calendar day (with the exception of situations meeting the criteria of § 63.1296(f)).

(c) *Slabstock affected sources complying with the emission point specific limitations.* For slabstock affected sources complying with the emission point specific limitations as provided in § 63.1293(a), failure to meet the requirements contained in §§ 63.1295 through 63.1298 shall be considered a violation of this subpart. Violation of each item listed in the paragraphs (c)(1) through (c)(17) of this section, as applicable, shall be considered a separate violation.

(1) For each affected source complying with § 63.1295(a) in accordance with § 63.1295(b), each unloading event that occurs when the HAP ABA storage vessel is not equipped with a vapor return line from the storage vessel to the tank truck or rail car, each unloading event that occurs when the vapor line is not connected, each unloading event that the vapor line is not inspected for leaks as described in § 63.1295(b)(1), each unloading event that occurs after a leak has been detected and not repaired, and each calendar day after a leak is detected but not repaired as soon as practicable;

(2) For each affected source complying with § 63.1295(a) in accordance

with § 63.1295(c), each unloading event that the HAP ABA storage vessel is not equipped with a carbon adsorption system, each unloading event (or each month if more than one unloading event occurs in a month) that the carbon adsorption system is not monitored for breakthrough in accordance with § 63.1303(a)(3) or (4), and each unloading event that occurs when the carbon is not replaced after an indication of breakthrough;

(3) For each affected source complying with § 63.1295(a) in accordance with § 63.1295(c) through the alternative monitoring procedures in § 63.1303(a)(2), each unloading event that the HAP ABA storage vessel is not equipped with a carbon adsorption system, each time that the carbon adsorption system is not monitored for breakthrough in accordance with § 63.1303(a)(3) or (4) at the interval established in the design analysis, and each unloading event that occurs when the carbon is not replaced after an indication of breakthrough;

(4) For each affected source complying with § 63.1296(a) in accordance with § 63.1296(a)(1), each calendar day that a transfer pump in HAP ABA service is not a sealless pump;

(5) For each affected source complying with § 63.1296(a) in accordance with § 63.1296(a)(2), each week that a visual inspection of a pump in HAP ABA service is not performed, each quarter that a pump in HAP ABA service is not monitored to detect leaks in accordance with § 63.1304(a), each calendar day after 5 calendar days after detection of a leak that a first attempt at repair has not been made in accordance with § 63.1296(b)(2)(iii)(B), and the earlier of each calendar day after 15 calendar days after detection of a leak that a leak is not repaired, or if a leak is not repaired as soon as practicable, each subsequent calendar day (with the exception of situations meeting the criteria of § 63.1296(f));

(6) For each affected source complying with § 63.1296(b) in accordance with § 63.1296(b)(1) and (2), each quarter that a valve in HAP ABA service is not monitored to detect leaks in accordance with § 63.1304(a), each calendar day after 5 calendar days after detection of a leak that a first attempt at repair

has not been made in accordance with § 63.1296(b)(2)(ii), and each calendar day after 15 calendar days after detection of a leak that a leak is not repaired, or if a leak is not repaired as soon as practicable, whichever is earlier (with the exception of situations meeting the criteria of § 63.1296(f));

(7) For each affected source complying with § 63.1296(b)(3) for each valve designated as unsafe to monitor as described in § 63.1296(b)(3)(i), failure to develop the written plan required by § 63.1296(b)(3)(ii), each period specified in the written plan that an unsafe-to-monitor valve in HAP ABA service is not monitored, and each calendar day in which a leak is not repaired in accordance with the written plan;

(8) For each affected source complying with § 63.1296(b)(4) for one or more valves designated as difficult-to-monitor in accordance with § 63.1296(b)(4)(i) and (ii), failure to develop the written plan required by § 63.1296(b)(4)(iii), each calendar year that a difficult-to-monitor valve in HAP ABA service is not monitored, and each calendar day in which a leak is not repaired in accordance with the written plan;

(9) For each affected source complying with § 63.1296(c) in accordance with § 63.1296(c)(1) and (2), each year that a connector in HAP ABA service is not monitored to detect leaks in accordance with § 63.1304(a); each calendar day after 3 months after a connector has been opened, has otherwise had the seal broken, or a leak is repaired, that each connector in HAP ABA service is not monitored to detect leaks in accordance with § 63.1304(a); each calendar day after 5 calendar days after detection of a leak that a first attempt at repair has not been made, and the earlier of each calendar day after 15 calendar days after detection of a leak that a leak is not repaired, or if a leak is not repaired as soon as practicable, each subsequent calendar day (with the exception of situations meeting the criteria of § 63.1296(f));

(10) For each affected source complying with § 63.1296(c)(3) for one or more connectors designated as unsafe-to-monitor in accordance with § 63.1296(c)(3)(i), failure to develop the written plan required by

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§ 63.1296(c)(3)(ii), each period specified in the written plan that an unsafe-to-monitor valve in HAP ABA service is not monitored, each calendar day after 5 calendar days after detection of a leak of an unsafe-to-monitor connector that a first attempt at repair has not been made, and the earlier of each calendar day after 15 calendar days after detection of a leak that a leak is not repaired, or if a leak is not repaired as soon as practicable, each subsequent calendar day (with the exception of situations meeting the criteria of § 63.1296(f));

(11) For each affected source complying with § 63.1296(c)(4) for one or more connectors designated as unsafe to repair, each year that one or more unsafe-to-repair connectors in HAP ABA service is not monitored to detect leaks in accordance with § 63.1304(a); each calendar day after 3 months after one or more unsafe-to-repair connectors has been opened, has otherwise had the seal broken, or a leak is repaired, that each unsafe-to-repair connector in HAP ABA service is not monitored to detect leaks in accordance with § 63.1304(a); and the earlier of each calendar day after six-months after detection of a leak that a leak is not repaired, or if a leak is not repaired as soon as practicable, each subsequent calendar day;

(12) For each affected source complying with § 63.1296(d) in accordance with § 63.1296(d)(1) and (2), each calendar day after the 5 days that the pressure-relief device has not been monitored in accordance with § 63.1304(a) after a potential leak was discovered as described in § 63.1296(d)(1), each calendar day after 5 calendar days after detection of a leak that a first attempt at repair has not been made, and the earlier of each calendar day after 15 calendar days after detection of a leak that a leak is not repaired, or if a leak is detected and not repaired as soon as practicable, each subsequent calendar day (with the exception of situations meeting the criteria of § 63.1296(f));

(13) For each affected source complying with § 63.1296(e) in accordance with § 63.1296(e)(1) through (5), each calendar day that an open-ended valve or line has no cap, blind flange, plug or second valve as described in

§ 63.1296(e)(2), and each calendar day that a valve on the process fluid end of an open-ended valve or line equipped with a second valve is not closed before the second valve is closed;

(14) For each affected source complying with § 63.1297(a) in accordance with the rolling annual compliance option in § 63.1297(a)(1) and (b), each calendar day in the 12-month period for which the actual HAP ABA emissions exceeded the allowable HAP ABA emissions level, each calendar day in which foam is being poured where the amount of polyol added at the mixhead is not monitored (as required) in accordance with § 63.1303(b)(1)(i), each calendar day in which foam is being poured where the amount of HAP ABA added at the mixhead is not monitored (as required) in accordance with § 63.1303(b)(1)(ii), each calendar day in a 6-month period in which the polyol pumps are not calibrated in accordance with § 63.1303(b)(3)(i), each calendar day in a month in which the HAP ABA pumps are not calibrated in accordance with § 63.1303(b)(3)(ii), and each calendar day after 10 working days after production where the IFD and density of a foam grade are not determined (where required) in accordance with § 63.1304(b);

(15) For each affected source complying with § 63.1297(a) in accordance with the monthly compliance option in § 63.1297(a)(2) and (c), each calendar day of each month for which the actual HAP ABA emissions exceeded the allowable HAP ABA emissions level for that month, each calendar day in which foam is being poured where the amount of polyol added at the mixhead is not monitored (as required) in accordance with § 63.1303(b)(1)(i), each calendar day in which foam is being poured where the amount of HAP ABA added at the mixhead is not monitored (as required) in accordance with § 63.1303(b)(1)(ii), each 6-month period in which the polyol pumps are not calibrated in accordance with § 63.1303(b)(3)(i), each month in which the HAP ABA pumps are not calibrated in accordance with § 63.1303(b)(3)(ii), and each calendar day after 10 working days after production where the IFD and density of a foam grade are not determined (where required) in accordance with § 63.1304(b);

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(16) For each affected source complying with § 63.1297(a) by using a recovery device as allowed under § 63.1297(e), the items listed in (c)(16)(i) or (ii) of this section, as applicable.

(i) If complying with rolling annual compliance option in § 63.1297(a)(1) and (b), each item listed in (c)(14) of this section, failure to develop a recovered HAP ABA monitoring and record-keeping program in accordance with § 63.1303(c), and each instance when an element of the program is not followed.

(ii) If complying with the monthly compliance option in § 63.1297(a)(2) and (c), each item listed in (c)(15) of this section, failure to develop a recovered HAP ABA monitoring and record-keeping program in accordance with § 63.1303(c), and each instance when an element of the program is not followed.

(17) For each affected source complying with § 63.1298, each calendar day that a HAP or any HAP-based material is used as an equipment cleaner.

(d) *Slabstock affected sources complying with the source-wide emission limitation.* For slabstock affected sources complying with the source-wide emission limitation as provided in § 63.1293(b), failure to meet the requirements contained in § 63.1299 shall be considered a violation of this subpart. Violation of each item listed in the paragraphs (d)(1) through (d)(3) of this section, as applicable, shall be considered a separate violation.

(1) For each affected source complying with § 63.1299 in accordance with the rolling annual compliance option in § 63.1299(a), each calendar day in the 12-month period for which the actual HAP ABA emissions exceeded the allowable HAP ABA emissions level, each calendar day in which foam is being poured where the amount of polyol added at the mixhead is not monitored (as required) in accordance with § 63.1303(b)(1)(i), each calendar day in a week in which the amount of HAP ABA in a storage vessel is not determined in accordance with § 63.1303(d), each delivery of HAP ABA in which the amount of HAP ABA added to the storage vessel is not determined in accordance with § 63.1303(e), each calendar day in a 6-month period in which the polyol pumps are not calibrated in accordance with § 63.1303(b)(3)(i), and each calendar

day after 10 working days after production where the IFD and density of a foam grade are not determined (where required) in accordance with § 63.1304(b);

(2) For each affected source complying with § 63.1299 in accordance with the monthly compliance option in § 63.1299(b), each calendar day of each month for which the actual HAP ABA emissions exceeded the allowable HAP ABA emissions level for that month, each calendar day in which foam is being poured where the amount of polyol added at the mixhead is not monitored (as required) in accordance with § 63.1303(b)(1)(i), each calendar day in a week in which the amount of HAP ABA in a storage vessel is not determined in accordance with § 63.1303(d), each delivery of HAP ABA in which the amount of HAP ABA added to the storage vessel is not determined in accordance with § 63.1303(e), and each calendar day in a 6-month period in which the polyol pumps are not calibrated in accordance with § 63.1303(b)(3)(i), and each calendar day after 10 working days after production where the IFD and density of a foam grade are not determined (where required) in accordance with § 63.1304(b).

(3) For each affected source complying with § 63.1299 by using a recovery device as allowed under § 63.1299(e), the items listed in (d)(3)(i) or (ii) of this section, as applicable.

(i) If complying with rolling annual compliance option in § 63.1299(a), each item listed in (d)(1) of this section, failure to develop a recovered HAP ABA monitoring and recordkeeping program in accordance with § 63.1303(c), and each instance when an element of the program is not followed.

(ii) If complying with the monthly compliance option in § 63.1299(b), each item listed in (d)(2) of this section, failure to develop a recovered HAP ABA monitoring and recordkeeping program in accordance with § 63.1303(c), and each instance when an element of the program is not followed.

(e) *Molded and rebond foam affected sources.* For molded and rebond foam affected sources, failure to meet the requirements contained in § 63.1300 and

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§63.1301, respectively, shall be considered a violation of this subpart. Violation of each item listed in the following paragraphs shall be considered a separate violation.

(1) For each molded foam affected source subject to the provisions in §63.1300(a), each calendar day that a HAP-based material is used as an equipment cleaner (except for diisocyanates used to flush the mixhead and associated piping during periods of startup or maintenance, provided that the diisocyanate compounds are contained in a closed-loop system and are re-used in production);

(2) For each molded foam affected source subject to the provisions of §63.1300(b), each calendar day that a HAP-base material is used as a mold release agent;

(3) For each rebond foam affected source subject to the provisions of §63.1301(a), each calendar day that a HAP-based material is used as an equipment cleaner; and

(4) For each rebond foam affected source complying with §63.1301(b), each calendar day that a HAP-based mold release agent is used.

§63.1309 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 (5) of this section.

(1) Approval of alternatives to the requirements in §§ 63.1290, 63.1291, 63.1293 through 63.1301, and 63.1305.

(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 alternatives to the specific monitoring requirements of §63.1303(b)(5).

(5) 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 37357, June 23, 2003]

**APPENDIX TO SUBPART III OF PART 63—
TABLES: NOTE**

For the convenience of the readers of subpart III, the tables below summarize the requirements in §§63.1290 to 63.1307. These tables are intended to assist the reader in determining the requirements applicable to affected sources and do not alter an affected source's obligation to comply with the requirements in §§63.1290 to 63.1307.