

which this subpart applies. The emission limitations of this subpart and the emission limitations referred to in this subpart shall not apply during periods of start-up, shutdown, or malfunction. However, if a start-up, shutdown, malfunction, or period of non-operation of one portion of an affected source does not affect the ability of a particular emission point to comply with the emission limitations to which it is subject, then that emission point shall still be required to comply with the applicable emission limitations of this subpart during the start-up, shutdown, malfunction, or period of non-operation. For example, if there is an over-pressure in the reactor area, a storage vessel that is part of the affected source would still be required to be controlled in accordance with § 63.1404.

(2) The emission limitations set forth in 40 CFR part 63, subpart UU, as referred to in § 63.1410, shall apply at all times except during periods of non-operation of the affected source (or specific portion thereof) in which the lines are drained and depressurized resulting in cessation of the emissions to which § 63.1410 applies, or during periods of start-up, shutdown, malfunction, or process unit shutdown.

(3) The owner or operator shall not shut down items of equipment that are required or utilized for compliance with this subpart during periods of start-up, shutdown, or malfunction; or during times when emissions are being routed to such items of equipment if the shutdown would contravene requirements of this subpart applicable to such items of equipment. This paragraph does not apply if the item of equipment is malfunctioning. This paragraph also does not apply if the owner or operator shuts down the compliance equipment (other than monitoring systems) to avoid damage due to a contemporaneous start-up, shutdown, or malfunction of the affected source or portion thereof. If the owner or operator has reason to believe that monitoring equipment would be damaged due to a contemporaneous start-up, shutdown, or malfunction of the affected source or portion thereof, the owner or operator shall provide documentation supporting such a claim in the Precompliance Report as provided

in § 63.1417(d)(9) or in a supplement to the Precompliance Report. Once approved by the Administrator in accordance with § 63.1417(d)(9), the provision for ceasing to collect, during a start-up, shutdown, or malfunction, monitoring data that would otherwise be required by the provisions of this subpart shall be incorporated into the start-up, shutdown, malfunction plan for the affected source, as stated in paragraph (k) of this section.

(4) During start-ups, shutdowns, and malfunctions when the emission limitations of this subpart do not apply pursuant to paragraphs (k)(1) through (3) of this section, the owner or operator shall implement, to the extent reasonably available, measures to prevent or minimize excess emissions to the extent practical. For purposes of this paragraph, the term "excess emissions" means emissions in excess of those that would have occurred if there were no start-up, shutdown, or malfunction and the owner or operator complied with the relevant provisions of this subpart. The measures to be taken shall be identified in the applicable start-up, shutdown, and malfunction plan, and may include, but are not limited to, air pollution control technologies, recovery technologies, work practices, pollution prevention, monitoring, and/or changes in the manner of operation of the affected source. Backup control devices are not required, but may be used if available.

[65 FR 3290, Jan. 20, 2000, as amended at 71 FR 20460, Apr. 20, 2006]

#### § 63.1401 Compliance schedule.

(a) New affected sources that commence construction or reconstruction after December 14, 1998, shall be in compliance with this subpart upon initial start-up or January 20, 2000, whichever is later.

(b) Existing affected sources shall be in compliance with this subpart no later than 3 years after January 20, 2000.

(c) If an affected source using the exemption provided in § 63.1400(f) has an actual annual production of amino/phenolic resins exceeding 800 Mg/yr for any 12-month period, the owner or operator shall comply with the provisions of § 63.1410 for the affected source within 3

years. The starting point for the 3-year compliance time period shall be the end of the 12-month period in which actual annual production for amino/phenolic resins exceeds 800 Mg/yr.

(d) Pursuant to section 112(i)(3)(B) of the Clean Air Act, an owner or operator may request an extension allowing the existing affected source up to 1 additional year to comply with section 112(d) standards. For purposes of this subpart, a request for an extension shall be submitted to the permitting authority as part of the operating permit application or to the Administrator as a separate submittal or as part of the Precompliance Report.

(1) Requests for extensions shall be submitted no later than 120 days prior to the compliance dates specified in paragraphs (a) and (b) of this section and shall include the data described in § 63.6(i)(6)(i)(A), (B), and (D). The dates specified in § 63.6(i) for submittal of requests for extensions shall not apply to this subpart.

(2) An owner or operator may submit a compliance extension request less than 120 days prior to the compliance dates specified in paragraphs (a) and (b) of this section provided that the need for the compliance extension arose after that date, and the need arose due to circumstances beyond reasonable control of the owner or operator. This request shall include, in addition to the information specified in § 63.6(i)(6)(i)(A), (B), and (D), a statement of the reasons additional time is needed and the date when the owner or operator first learned of the circumstances necessitating a request for compliance extension.

(e) All terms in this subpart that define a period of time for completion of required tasks (*e.g.*, weekly, monthly, quarterly, annual), unless specified otherwise, refer to the standard calendar periods.

(1) Notwithstanding time periods specified in this subpart for completion of required tasks, such time periods may be changed by mutual agreement between the owner or operator and the Administrator, as specified in subpart A of this part (*e.g.*, a period could begin on the compliance date or another date, rather than on the first day of the standard calendar period). For each

time period that is changed by agreement, the revised period shall remain in effect until it is changed. A new request is not necessary for each recurring period.

(2) Where the period specified for compliance is a standard calendar period, if the initial compliance date occurs after the beginning of the period, compliance shall be required according to the schedule specified in paragraph (e)(2)(i) or (ii) of this section, as appropriate:

(i) Compliance shall be required before the end of the standard calendar period within which the compliance deadline occurs, if there remain at least 3 days for tasks that must be performed weekly, at least 2 weeks for tasks that must be performed monthly, at least 1 month for tasks that must be performed each quarter, or at least 3 months for tasks that must be performed annually; or

(ii) In all other cases, compliance shall be required before the end of the first full standard calendar period after the period within which the initial compliance deadline occurs.

(3) In all instances where a provision of this subpart requires completion of a task during each of multiple successive periods, an owner or operator may perform the required task at any time during the specified period, provided that the task is conducted at a reasonable interval after completion of the task during the previous period.

**§ 63.1402 Definitions.**

(a) The following terms used in this subpart shall have the meaning given them in §§ 63.2, 63.101, 63.111, and 63.161 as specified after each term:

- Act (§ 63.2)
- Administrator (§ 63.2)
- Annual average concentration (§ 63.111)
- Annual average flow rate (§ 63.111)
- Automated monitoring and recording system (§ 63.111)
- Boiler (§ 63.111)
- Bottoms receiver (§ 63.161)
- By compound (§ 63.111)
- By-product (§ 63.101)
- Car-seal (§ 63.111)
- Closed-vent system (§ 63.111)
- Combustion device (§ 63.111)
- Commenced (§ 63.2)
- Compliance date (§ 63.2)
- Connector (§ 63.161)
- Construction (§ 63.2)