

AREA SOURCE MACT SEARCH TOOL

Search on Key Words, Industry Sector, Etc.

Date of MACTs included is as of March 28, 2012, unless otherwise indicated.

Use of this tool should not be substituted for knowledge of the regulations that affect your facility. It is intended as a guide only.

If you suspect one of the area source MACTs below is applicable to your facility, make sure you read the rule in its entirety. USE THE WORD SEARCH FUNCTION ON THIS SOFTWARE TO SEARCH FOR KEY WORD, ETC.

Federal Title 40: Protection of Environment → Part 63 - National Emission Standards for Hazardous Air Pollutants for Source Categories (MACT) → 40 CFR Part 63 - National Emission Standards for Hazardous Air Pollutants for Source Categories (a.k.a. Maximum Achievable Control Technology (MACT))

Background Information

The Clean Air Act requires EPA to regulate emissions of toxic air pollutants from a published list of industrial sources referred to as "source categories." As required under the Act, EPA has developed a list of source categories that must meet control technology requirements for these toxic air pollutants. The EPA is required to develop regulations (also known as rules or standards) for all industries that emit one or more of the pollutants in significant quantities.

MACTs can be divided into two categories, those for MAJOR SOURCES and those for AREA SOURCES. A Major Source MACT covers a facility that is (or is part of) a major source of hazardous air pollutant (HAP) emissions. Your facility is considered a major source of HAPs for purposes of these subparts if it emits or has the potential to emit any single HAP at a rate of 10 tons or more per year or any combination of HAP at a rate of 25 tons or more per year or if it is located at a facility that emits or has the potential to emit any single HAP at a rate of 10 tons or more per year or any combination of HAP at a rate of 25 tons or more per year as defined in §63.2. This search engine DOES NOT cover major source MACTs.

After EPA covered the majority of the major sources, they began concentrating on smaller or "area" sources. Out of over 70 source categories, there are currently 43 area source MACTs and counting. Under the Urban Air Toxics Strategy EPA is developing standards to control toxic air pollutants from area sources. "Area" sources are those sources that emit less than 10 tons annually of a single hazardous air pollutant or less than 25 tons annually of a combination of hazardous air pollutants. An Area Source MACT covers facilities that are less than the major source thresholds outlined above. Area Sources are typically smaller sources, e.g. dry cleaning facilities, gas stations, etc.

Titles of 40 CFR Part 63 Subparts (as follows):

Subpart M - National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities

(Keywords: Dry Clean, Dry Cleaning, PERC, Perchloroethylene)

§ 63.320 Applicability.

- (a) The provisions of this subpart apply to the owner or operator of each dry cleaning facility that uses perchloroethylene.
- (b) The compliance date for a new dry cleaning system depends on the date that construction or reconstruction commences.
 - (1) Each dry cleaning system that commences construction or reconstruction on or after December 9, 1991 and before December 21, 2005, shall be in compliance with the provisions of this subpart except §63.322(o) beginning on September 22, 1993 or immediately upon startup, whichever is later, except for dry cleaning systems complying with section 112(i)(2) of the Clean Air Act; and shall be in compliance with the provisions of §63.322(o) beginning on July 28, 2008, except as provided by §63.6(b)(4), as applicable.
 - (2) (i) Each dry cleaning system that commences construction or reconstruction on or after December 21, 2005 shall be in compliance with the provisions of this subpart, except §63.322(o), immediately upon startup; and shall be in compliance with the provisions of §63.322(o) beginning on July 27, 2006 or immediately upon startup, whichever is later.
(ii) Each dry cleaning system that commences construction or reconstruction on or after December 21, 2005, but before July 13, 2006, and is located in a building with a residence, shall be in compliance with the provisions of this subpart, except §63.322(o), immediately upon startup; shall be in compliance with the provisions of §63.322(o)(5)(ii) beginning on July 27, 2006; and shall be in compliance with the provisions of §63.322(o)(5)(i) beginning on July 27, 2009.
 - (3) Each dry cleaning system that commences construction or reconstruction on or after July 27, 2006, shall be in compliance with the provisions of this subpart, including §63.322(o), immediately upon startup.
- (c) Each dry cleaning system that commenced construction or reconstruction before December 9, 1991, and each new transfer machine system and its ancillary equipment that commenced construction or reconstruction on or after December 9, 1991 and before September 22, 1993, shall comply with §§63.322(c), (d), (i), (j), (k), (l), and (m); 63.323(d); and 63.324(a), (b), (d)(1), (d)(2), (d)(3), (d)(4), and (e) beginning on December 20, 1993, and shall comply with other provisions of this subpart except §63.322(o) by September 23, 1996; and shall comply with §63.322(o) by July 28, 2008.
- (d) Each existing dry-to-dry machine and its ancillary equipment located in a dry cleaning facility that includes only dry-to-dry machines, and each existing transfer machine system and its ancillary equipment, and each new transfer machine system and its ancillary equipment installed between December 9, 1991, and September 22, 1993, as well as each existing dry-to-dry machine and its ancillary equipment, located in a dry cleaning facility that includes both transfer machine system(s) and dry-to-dry machine(s) is exempt from §§63.322, 63.323, and 63.324, except §§63.322(c), (d), (i), (j), (k), (l), (m), (o)(1), (o)(3), (o)(4) and (o)(5)(i); 63.323(d); and 63.324(a), (b), (d)(1), (d)(2), (d)(3), (d)(4), and (e) if the total PCE consumption of the dry cleaning facility is less than 530 liters (140 gallons) per year. Consumption is determined according to §63.323(d).

- (e) Each existing transfer machine system and its ancillary equipment, and each new transfer machine system and its ancillary equipment installed between December 9, 1991, and September 22, 1993, located in a dry cleaning facility that includes only transfer machine system(s), is exempt from §§63.322, 63.323, and 63.324, except §§63.322(c), (d), (i), (j), (k), (l), (m), (o)(1), (o)(3) and (o)(4); 63.323(d); and 63.324(a), (b), (d)(1), (d)(2), (d)(3), (d)(4), and (e) if the PCE consumption of the dry cleaning facility is less than 760 liters (200 gallons) per year. Consumption is determined according to §63.323(d).
- (f) If the total yearly perchloroethylene consumption of a dry cleaning facility determined according to §63.323(d) is initially less than the amounts specified in paragraph (d) or (e) of this section, but later exceeds those amounts, the existing dry cleaning system(s) and new transfer machine system(s) and its (their) ancillary equipment installed between December 9, 1991 and September 22, 1993 in the dry cleaning facility must comply with §63.322, §63.323, and §63.324 by 180 calendar days from the date that the facility determines it has exceeded the amounts specified, or by September 23, 1996, whichever is later.
- (g) A dry cleaning facility is a major source if the facility emits or has the potential to emit more than 9.1 megagrams per year (10 tons per year) of perchloroethylene to the atmosphere. In lieu of measuring a facility's potential to emit perchloroethylene emissions or determining a facility's potential to emit perchloroethylene emissions, a dry cleaning facility is a major source if:
 - (1) It includes only dry-to-dry machine(s) and has a total yearly perchloroethylene consumption greater than 8,000 liters (2,100 gallons) as determined according to §63.323(d); or
 - (2) It includes only transfer machine system(s) or both dry-to-dry machine(s) and transfer machine system(s) and has a total yearly perchloroethylene consumption greater than 6,800 liters (1,800 gallons) as determined according to §63.323(d).
- (h) A dry cleaning facility is an area source if it does not meet the conditions of paragraph (g) of this section.
- (i) If the total yearly perchloroethylene consumption of a dry cleaning facility determined according to §63.323(d) is initially less than the amounts specified in paragraph (g) of this section, but then exceeds those amounts, the dry cleaning facility becomes a major source and all dry cleaning systems located at that dry cleaning facility must comply with the appropriate requirements for major sources under §§63.322, 63.323, and 63.324 by 180 calendar days from the date that the facility determines it has exceeded the amount specified, or by September 23, 1996, whichever is later.
- (j) All coin-operated dry cleaning machines are exempt from the requirements of this subpart.
- (k) If you are an owner or operator of an area source subject to this subpart, you are exempt from the obligation to obtain a permit under 40 CFR part 70 or 71, provided you are not required to obtain a permit under 40 CFR 70.3(a) or 71.3(a) for a reason other than your status as an area source under this subpart. Notwithstanding the previous sentence, you must continue to comply with the provisions of this subpart applicable to area sources.

Subpart N - National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks

(Keywords: Chrome Plating, Chrome VI, Chromium)

§ 63.340 Applicability and designation of sources.

- (a) The affected source to which the provisions of this subpart apply is each chromium electroplating or chromium anodizing tank at facilities performing hard chromium electroplating, decorative chromium electroplating, or chromium anodizing.
- (b) Owners or operators of affected sources subject to the provisions of this subpart must also comply with the requirements of subpart A of this part, according to the applicability of subpart A of this part to such sources, as identified in Table 1 of this subpart.
- (c) Process tanks associated with a chromium electroplating or chromium anodizing process, but in which neither chromium electroplating nor chromium anodizing is taking place, are not subject to the provisions of this subpart. Examples of such tanks include, but are not limited to, rinse tanks, etching tanks, and cleaning tanks. Likewise, tanks that contain a chromium solution, but in which no electrolytic process occurs, are not subject to this subpart. An example of such a tank is a chrome conversion coating tank where no electrical current is applied.
- (d) Affected sources in which research and laboratory operations are performed are exempt from the provisions of this subpart when such operations are taking place.
- (e) If you are an owner or operator of an area source subject to this subpart, you are exempt from the obligation to obtain a permit under 40 CFR part 70 or 71, provided you are not required to obtain a permit under 40 CFR 70.3(a) or 71.3(a) for a reason other than your status as an area source under this subpart. Notwithstanding the previous sentence, you must continue to comply with the provisions of this subpart applicable to area sources.

Subpart O - Ethylene Oxide Emissions Standards for Sterilization Facilities

(Keywords: EO Sterilization, Ethylene Oxide)

§ 63.360 Applicability.

- (a) All sterilization sources using 1 ton (see definition) in sterilization or fumigation operations are subject to the emissions standards in §63.362, except as specified in paragraphs (b) through (e) of this section. Owners or operators of sources using 1 ton (see definition) subject to the provisions of this subpart must comply with the requirements of subpart A, of this part according to the applicability of subpart A of this part to such sources in Table 1 of this section.

Subpart T - National Emission Standards for Halogenated Solvent Cleaning

(Keywords: Vapor Solvent, Halogenated Solvent)

§ 63.460 Applicability and designation of source.

- (a) The provisions of this subpart apply to each individual batch vapor, in-line vapor, in-line cold, and batch cold solvent cleaning machine that uses any solvent containing methylene chloride (CAS No. 75-09-2), perchloroethylene (CAS No. 127-18-4), trichloroethylene (CAS No. 79-01-6), 1,1,1-trichloroethane (CAS No. 71-55-6), carbon tetrachloride (CAS No. 56-23-5) or chloroform (CAS No. 67-66-3), or any combination of these halogenated HAP solvents, in a total concentration greater than 5 percent by weight, as a cleaning and/or drying agent. The concentration of these solvents may be determined using EPA test method 18, material safety data sheets, or engineering calculations. Wipe cleaning activities, such as using a rag containing halogenated solvent or a spray cleaner containing halogenated solvent are not covered under the provisions of this subpart.
- (b) Except as noted in appendix C (General Provisions Applicability to subpart T) of this subpart, the provisions of subpart A of this part (General Provisions) apply to owners or operators of any solvent cleaning machine meeting the applicability criteria of paragraph (a) of this section.
- (c) Except as provided in paragraph (g) of this section, each solvent cleaning machine subject to this subpart that commenced construction or reconstruction after November 29, 1993 shall achieve

compliance with the provisions of this subpart, except for §63.471, immediately upon start-up or by December 2, 1994, whichever is later.

- (d) Except as provided in paragraph (g) of this section, each solvent cleaning machine subject to this subpart that commenced construction or reconstruction on or before November 29, 1993 shall achieve compliance with the provisions of this subpart, except for §63.471, no later than December 2, 1997.
- (e) In delegating implementation and enforcement authority to a State under section 112(d) of the Act, the authority contained in paragraph (f) of this section shall be retained by the Administrator and not transferred to a State.
- (f) [Reserved]
- (g) Each continuous web cleaning machine subject to this subpart shall achieve compliance with the provisions of this subpart, except for §63.471, no later than December 2, 1999.
- (h) If you are an owner or operator of an area source subject to this subpart, you are exempt from the obligation to obtain a permit under 40 CFR part 70 or 71, provided you are not required to obtain a permit under 40 CFR 70.3(a) or 71.3(a) for a reason other than your status as an area source under this subpart. Notwithstanding the previous sentence, you must continue to comply with the provisions of this subpart applicable to area sources.
- (i) The compliance date for the requirements in §63.471 depends on the date that construction or reconstruction of the affected facility commences. For purposes of this paragraph, affected facility means all solvent cleaning machines, except solvent cleaning machines used in the manufacture and maintenance of aerospace products, solvent cleaning machines used in the manufacture of narrow tubing, and continuous web cleaning machines, located at a major source that are subject to the facility-wide limits in table 1 of §63.471(b)(2), and for area sources, affected facility means all solvent cleaning machines, except cold batch cleaning machines, located at an area source that are subject to the facility-wide limits in table 1 of §63.471(b)(2).
 - 1) Each affected facility that was constructed or reconstructed on or before August 17, 2006, shall be in compliance with the provisions of this subpart no later than May 3, 2010.
 - 2) Each affected facility that was constructed or reconstructed on or after August 17, 2006, shall be in compliance with the provisions of this subpart on May 3, 2007 or immediately upon startup, whichever is later.

Subpart X - National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting

(Keywords: Lead Smelter, Lead Furnace)

§ 63.541 Applicability.

- (a) You are subject to this subpart if you own or operate any of the following affected sources at a secondary lead smelter: Blast, reverberatory, rotary, and electric furnaces; refining kettles; agglomerating furnaces; dryers; process fugitive emissions sources; buildings containing lead bearing materials; and fugitive dust sources. The provisions of this subpart do not apply to primary lead processors, lead refiners, or lead remelters.
- (b) Table 1 to this subpart specifies the provisions of subpart A of this part that apply to owners and operators of secondary lead smelters subject to this subpart.
- (c) If you are subject to the provisions of this subpart, you are also subject to title V permitting requirements under 40 CFR parts 70 or 71, as applicable.
- (d) Emissions standards in this subpart apply at all times.

Subpart HH - National Emission Standards for Hazardous Air Pollutants From Oil and Natural Gas Production Facilities (Area Source Applicability)

(Keywords: Oil and Natural Gas Production, Glycol Dehy, Compressor)

§ 63.760 Applicability and designation of affected source.

- (a) This subpart applies to the owners and operators of the emission points, specified in paragraph (b) of this section that are located at oil and natural gas production facilities that meet the specified criteria in paragraphs (a)(1) and either (a)(2) or (a)(3) of this section.
- (1) Facilities that are major or area sources of hazardous air pollutants (HAP) as defined in §63.761. Emissions for major source determination purposes can be estimated using the maximum natural gas or hydrocarbon liquid throughput, as appropriate, calculated in paragraphs (a)(1)(i) through (iii) of this section. As an alternative to calculating the maximum natural gas or hydrocarbon liquid throughput, the owner or operator of a new or existing source may use the facility's design maximum natural gas or hydrocarbon liquid throughput to estimate the maximum potential emissions. Other means to determine the facility's major source status are allowed, provided the information is documented and recorded to the Administrator's satisfaction. A facility that is determined to be an area source, but subsequently increases its emissions or its potential to emit above the major source levels (without first obtaining and complying with other limitations that keep its potential to emit HAP below major source levels), and becomes a major source, must comply thereafter with all provisions of this subpart applicable to a major source starting on the applicable compliance date specified in paragraph (f) of this section. Nothing in this paragraph is intended to preclude a source from limiting its potential to emit through other appropriate mechanisms that may be available through the permitting authority.
- i. If the owner or operator documents, to the Administrator's satisfaction, a decline in annual natural gas or hydrocarbon liquid throughput, as appropriate, each year for the 5 years prior to June 17, 1999, the owner or operator shall calculate the maximum natural gas or hydrocarbon liquid throughput used to determine maximum potential emissions according to the requirements specified in paragraph (a)(1)(i)(A) of this section. In all other circumstances, the owner or operator shall calculate the maximum throughput used to determine whether a facility is a major source in accordance with the requirements specified in paragraph (a)(1)(i)(B) of this section.
- (A) The maximum natural gas or hydrocarbon liquid throughput is the average of the annual natural gas or hydrocarbon liquid throughput for the 3 years prior to June 17, 1999, multiplied by a factor of 1.2.
- (B) The maximum natural gas or hydrocarbon liquid throughput is the highest annual natural gas or hydrocarbon liquid throughput over the 5 years prior to June 17, 1999, multiplied by a factor of 1.2.
- ii. The owner or operator shall maintain records of the annual facility natural gas or hydrocarbon liquid throughput each year and upon request submit such records to the Administrator. If the facility annual natural gas or hydrocarbon liquid throughput increases above the maximum natural gas or hydrocarbon liquid throughput calculated in paragraph (a)(1)(i)(A) or (a)(1)(i)(B) of this section, the maximum natural gas or hydrocarbon liquid throughput must be recalculated using the higher throughput multiplied by a factor of 1.2.
- iii. The owner or operator shall determine the maximum values for other parameters used to calculate emissions as the maximum for the period over which the maximum natural gas or hydrocarbon liquid throughput is determined in accordance with paragraph (a)(1)(i)(A) or (B) of this section. Parameters shall be based on either highest measured values or annual average.

- (2) Facilities that process, upgrade, or store hydrocarbon liquids prior to the point of custody transfer.
 - (3) Facilities that process, upgrade, or store natural gas prior to the point at which natural gas enters the natural gas transmission and storage source category or is delivered to a final end user. For the purposes of this subpart, natural gas enters the natural gas transmission and storage source category after the natural gas processing plant, when present. If no natural gas processing plant is present, natural gas enters the natural gas transmission and storage source category after the point of custody transfer.
- (b) The affected sources for major sources are listed in paragraph (b)(1) of this section and for area sources in paragraph (b)(2) of this section.
- (1) For major sources, the affected source shall comprise each emission point located at a facility that meets the criteria specified in paragraph (a) of this section and listed in paragraphs (b)(1)(i) through (b)(1)(iv) of this section.
 - i. Each glycol dehydration unit;
 - ii. Each storage vessel with the potential for flash emissions;
 - iii. The group of all ancillary equipment, except compressors, intended to operate in volatile hazardous air pollutant service (as defined in §63.761), which are located at natural gas processing plants; and
 - iv. Compressors intended to operate in volatile hazardous air pollutant service (as defined in §63.761), which are located at natural gas processing plants.
 - (2) For area sources, the affected source includes each triethylene glycol (TEG) dehydration unit located at a facility that meets the criteria specified in paragraph (a) of this section.
- (c) [Reserved]
- (d) The owner and operator of a facility that does not contain an affected source as specified in paragraph (b) of this section are not subject to the requirements of this subpart.
- (e) Exemptions. The facilities listed in paragraphs (e)(1) and (e)(2) of this section are exempt from the requirements of this subpart. Records shall be maintained as required in §63.10(b)(3).
- (1) A facility that exclusively processes, stores, or transfers black oil (as defined in §63.761) is not subject to the requirements of this subpart. For the purposes of this subpart, a black oil facility that uses natural gas for fuel or generates gas from black oil shall qualify for this exemption.
 - (2) A major source facility, prior to the point of custody transfer, with a facility-wide actual annual average natural gas throughput less than 18.4 thousand standard cubic meters per day and a facility-wide actual annual average hydrocarbon liquid throughput less than 39,700 liters per day.
- (f) The owner or operator of an affected major source shall achieve compliance with the provisions of this subpart by the dates specified in paragraphs (f)(1) and (f)(2) of this section. The owner or operator of an affected area source shall achieve compliance with the provisions of this subpart by the dates specified in paragraphs (f)(3) through (f)(6) of this section.
- (1) The owner or operator of an affected major source, the construction or reconstruction of which commenced before February 6, 1998, shall achieve compliance with the applicable provisions of this subpart no later than June 17, 2002, except as provided for in §63.6(i). The owner or operator of an area source, the construction or reconstruction of which commenced before February 6, 1998, that increases its emissions of (or its potential to emit) HAP such that the source becomes a major source that is subject to this subpart shall comply with this subpart 3 years after becoming a major source.
 - (2) The owner or operator of an affected major source, the construction or reconstruction of which commences on or after February 6, 1998, shall achieve compliance with the applicable provisions of this subpart immediately upon initial startup or June 17, 1999,

- whichever date is later. Area sources, the construction or reconstruction of which commences on or after February 6, 1998, that become major sources shall comply with the provisions of this standard immediately upon becoming a major source.
- (3) The owner or operator of an affected area source, located in an Urban-1 county, as defined in §63.761, the construction or reconstruction of which commences before February 6, 1998, shall achieve compliance with the provisions of this subpart no later than the dates specified in paragraphs (f)(3)(i) or (ii) of this section, except as provided for in §63.6(i).
- i. If the affected area source is located within any UA plus offset and UC boundary, as defined in §63.761, the compliance date is January 4, 2010.
 - ii. If the affected area source is not located within any UA plus offset and UC boundary, as defined in §63.761, the compliance date is January 5, 2009.
- (4) The owner or operator of an affected area source, located in an Urban-1 county, as defined in §63.761, the construction or reconstruction of which commences on or after February 6, 1998, shall achieve compliance with the provisions of this subpart immediately upon initial startup or January 3, 2007, whichever date is later.
- (5) The owner or operator of an affected area source that is not located in an Urban-1 county, as defined in §63.761, the construction or reconstruction of which commences before July 8, 2005, shall achieve compliance with the provisions of this subpart no later than the dates specified in paragraphs (f)(5)(i) or (ii) of this section, except as provided for in §3.6(i).
- i. If the affected area source is located within any UA plus offset and UC boundary, as defined in §63.761, the compliance date is January 4, 2010.
 - ii. If the affected area source is not located within any UA plus offset and UC boundary, as defined in §63.761, the compliance date is January 5, 2009.
- (6) The owner or operator of an affected area source that is not located in an Urban-1 county, as defined in §63.761, the construction or reconstruction of which commences on or after July 8, 2005, shall achieve compliance with the provisions of this subpart immediately upon initial startup or January 3, 2007, whichever date is later.
- (g) The following provides owners or operators of an affected source at a major source with information on overlap of this subpart with other regulations for equipment leaks. The owner or operator of an affected source at a major source shall document that they are complying with other regulations by keeping the records specified in §63.774(b)(9).
- (1) After the compliance dates specified in paragraph (f) of this section, ancillary equipment and compressors that are subject to this subpart and that are also subject to and controlled under the provisions of 40 CFR part 60, subpart KKK, are only required to comply with the requirements of 40 CFR part 60, subpart KKK.
 - (2) After the compliance dates specified in paragraph (f) of this section, ancillary equipment and compressors that are subject to this subpart and are also subject to and controlled under the provisions of 40 CFR part 61, subpart V, are only required to comply with the requirements of 40 CFR part 61, subpart V.
 - (3) After the compliance dates specified in paragraph (f) of this section, ancillary equipment and compressors that are subject to this subpart and are also subject to and controlled under the provisions of 40 CFR part 63, subpart H, are only required to comply with the requirements of 40 CFR part 63, subpart H.
- (h) An owner or operator of an affected source that is a major source or is located at a major source and is subject to the provisions of this subpart is also subject to 40 CFR part 70 or part 71 operating permit requirements. Unless otherwise required by law, the owner or operator of an

area source subject to the provisions of this subpart is exempt from the permitting requirements established by 40 CFR part 70 or 40 CFR part 71.

Subpart JJ - National Emission Standards for Wood Furniture Manufacturing Operations

(Keywords: Wood Furniture, Surface Coating, Wood Stain)

§ 63.800 Applicability.

- (a) The affected source to which this subpart applies is each facility that is engaged, either in part or in whole, in the manufacture of wood furniture or wood furniture components and that is located at a plant site that is a major source as defined in 40 CFR part 63, subpart A, §63.2. The owner or operator of a source that meets the definition for an incidental wood furniture manufacturer shall maintain purchase or usage records demonstrating that the source meets the definition in §63.801 of this subpart, but the source shall not be subject to any other provisions of this subpart.
- (b) A source that complies with the limits and criteria specified in paragraphs (b)(1), (b)(2), or (b)(3) of this section is an area source for the purposes of this subpart and is not subject to any other provision of this rule, provided that: In the case of paragraphs (b)(1) and (b)(2), finishing materials, adhesives, cleaning solvents and washoff solvents used for wood furniture or wood furniture component manufacturing operations account for at least 90 percent of annual HAP emissions at the plant site, and if the plant site has HAP emissions that do not originate from the listed materials, the owner or operator shall keep any records necessary to demonstrate that the 90 percent criterion is being met. A source that initially relies on the limits and criteria specified in paragraphs (b)(1), (b)(2), and (b)(3) to become an area source, but subsequently exceeds the relevant limit (without first obtaining and complying with other limits that keep its potential to emit hazardous air pollutants below major source levels), becomes a major source and must comply thereafter with all applicable provisions of this subpart starting on the applicable compliance date in §63.800. Nothing in this paragraph (b) is intended to preclude a source from limiting its potential to emit through other appropriate mechanisms that may be available through the permitting authority.
 - (1) The owner or operator of the source uses no more than 250 gallons per month, for every month, of coating, gluing, cleaning, and washoff materials at the source, including materials used for source categories other than wood furniture (surface coating), but excluding materials used in routine janitorial or facility grounds maintenance, personal uses by employees or other persons, the use of products for the purpose of maintaining motor vehicles operated by the facility, or the use of toxic chemicals contained in intake water (used for processing or noncontact cooling) or intake air (used either as compressed air or for combustion). The owner or operator shall maintain records of the total gallons of coating, gluing, cleaning, and washoff materials used each month, and upon request submit such records to the Administrator. These records shall be maintained for five years.
 - (2) The owner or operator of the source uses no more than 3,000 gallons per rolling 12-month period, for every 12-month period, of coating, gluing, cleaning, and washoff materials at the source, including materials used for source categories other than wood furniture (surface coating), but excluding materials used in routine janitorial or facility grounds maintenance, personal uses by employees or other persons, the use of products for the purpose of maintaining motor vehicles operated by the facility, or the use of toxic chemicals contained in intake water (used for processing or noncontact cooling) or intake air (used either as compressed air or for combustion). A rolling 12-month period includes the previous 12 months of operation. The owner or operator of the source shall maintain records of the total gallons of coating, gluing, cleaning, and washoff materials used each

month and the total gallons used each previous month, and upon request submit such records to the Administrator. Because records are needed over the previous set of 12 months, the owner or operator shall keep monthly records beginning no less than one year before the compliance date specified in §63.800(e). Records shall be maintained for five years.

- (3) The source emits no more than 4.5 Mg (5 tons) of any one HAP per rolling 12-month period and no more than 11.4 Mg (12.5 tons) of any combination of HAP per rolling 12-month period, and at least 90 percent of the plantwide emissions per rolling 12-month period are associated with the manufacture of wood furniture or wood furniture components.
- (c) This subpart does not apply to research or laboratory facilities as defined in §63.801.
 - (d) This subpart does not apply to any surface coating or coating operation that meets any of the criteria of paragraphs (d)(1) through (4) of this section.
 - 1) Surface coating of metal parts and products other than metal components of wood furniture that meets the applicability criteria for miscellaneous metal parts and products surface coating (subpart MMMM of this part).
 - 2) Surface coating of plastic parts and products other than plastic components of wood furniture that meets the applicability criteria for plastic parts and products surface coating (subpart PPPP of this part).
 - 3) Surface coating of wood building products that meets the applicability criteria for wood building products surface coating (subpart QQQQ of this part). The surface coating of millwork and trim associated with cabinet manufacturing are subject to subpart JJ.
 - 4) Surface coating of metal furniture that meets the applicability criteria for metal furniture surface coating (subpart RRRR of this part). Surface coating of metal components of wood furniture performed at a wood furniture or wood furniture component manufacturing facility are subject to subpart JJ.
 - (e) Owners or operators of affected sources shall also comply with the requirements of subpart A of this part (General Provisions), according to the applicability of subpart A to such sources, as identified in Table 1 of this subpart.
 - (f) The compliance date for existing affected sources that emit less than 50 tons per year of HAP in 1996 is December 7, 1998. The compliance date for existing affected sources that emit 50 tons or more of hazardous air pollutants in 1996 is November 21, 1997. The owner or operator of an existing area source that increases its emissions of (or its potential to emit) HAP such that the source becomes a major source that is subject to this subpart shall comply with this subpart one year after becoming a major source.
 - (g) Existing affected sources shall be in compliance with §63.802(a)(4) and §63.803(h) no later than November 21, 2014. The owner or operator of an existing area source that increases its emissions of (or its potential to emit) hazardous air pollutants (HAP) such that the source becomes a major source that is subject to this subpart shall comply with this subpart 1 year after becoming a major source.
 - (h) New affected sources must comply with the provisions of this standard immediately upon startup or by December 7, 1995, whichever is later. New area sources that become major sources shall comply with the provisions of this standard immediately upon becoming a major source.
 - (i) Reconstructed affected sources are subject to the requirements for new affected sources. The costs associated with the purchase and installation of air pollution control equipment (e.g., incinerators, carbon adsorbers, etc.) are not considered in determining whether the facility has been reconstructed, unless the control equipment is required as part of the process (e.g., product recovery). Additionally, the costs of retrofitting and replacement of equipment that is installed specifically to comply with this subpart are not considered reconstruction costs. For example, an

affected source may convert to waterborne coatings to meet the requirements of this subpart. At most facilities, this conversion will require the replacement of existing storage tanks, mix equipment, and transfer lines. The cost of replacing the equipment is not considered in determining whether the facility has been reconstructed.

(j) If the owner or operator, in accordance with 40 CFR 63.804, uses a control system as a means of limiting emissions, in response to an action to enforce the standards set forth in this subpart, you may assert an affirmative defense to a claim for civil penalties for exceedances of such standards that are caused by malfunction, as defined in 40 CFR 63.2. Appropriate penalties may be assessed, however, if the respondent fails to meet its burden of proving all the requirements in the affirmative defense. The affirmative defense shall not be available for claims for injunctive relief.

1) To establish the affirmative defense in any action to enforce such a limit, the owner or operator must timely meet the notification requirements in paragraph (j)(2) of this section, and must prove by a preponderance of evidence that:

i. The excess emissions:

(A) Were caused by a sudden, infrequent, and unavoidable failure of air pollution control and monitoring equipment, process equipment, or a process to operate in a normal or usual manner; and

(B) Could not have been prevented through careful planning, proper design or better operation and maintenance practices; and

(C) Did not stem from any activity or event that could have been foreseen and avoided, or planned for; and

(D) Where not part of a recurring pattern indicative of inadequate design, operation, or maintenance; and

ii. Repairs were made as expeditiously as possible when the applicable emission limitations were being exceeded. Off-shift and overtime labor were used, to the extent practicable to make these repairs; and

iii. The frequency, amount and duration of the excess emissions (including any bypass) were minimized to the maximum extent practicable during periods of such emissions; and

iv. If the excess emissions resulted from a bypass of control equipment or a process, then the bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and

v. All possible steps were taken to minimize the impact of the excess emissions on ambient air quality, the environment, and human health; and

vi. All emissions monitoring and control systems were kept in operation if at all possible, consistent with safety and good air pollution control practices; and

vii. All of the actions in response to the excess emissions were documented by properly signed, contemporaneous operating logs; and

viii. At all times, the facility was operated in a manner consistent with good practices for minimizing emissions; and

ix. A written root cause analysis has been prepared, the purpose of which is to determine, correct and eliminate the primary causes of the malfunction and the excess emissions resulting from the malfunction event at issue. The analysis shall also specify, using best monitoring methods and engineering judgment, the amount of excess emissions that were the result of the malfunction.

2) Notification. The owner or operator of the facility experiencing an exceedance of its emission limit(s) during a malfunction shall notify the Administrator by telephone or facsimile (FAX) transmission as soon as possible, but no later than 2 business days after

the initial occurrence of the malfunction, if it wishes to avail itself of an affirmative defense to civil penalties for that malfunction. The owner or operator seeking to assert an affirmative defense shall also submit a written report to the Administrator within 45 days of the initial occurrence of the exceedance of the standard in this subpart to demonstrate, with all necessary supporting documentation, that it has met the requirements set forth in paragraph (h)(1) of this section. The owner or operator may seek an extension of this deadline for up to 30 additional days by submitting a written request to the Administrator before the expiration of the 45 day period. Until a request for an extension has been approved by the Administrator, the owner or operator is subject to the requirement to submit such report within 45 days of the initial occurrence of the exceedance.

Subpart EEE National Emission Standard for Hazardous Air Pollutants from Hazardous Waste Combustors

(Keywords: Hazardous Waste Combustor, Kiln)

§ 63.1200 Who is subject to these regulations?

The provisions of this subpart apply to all hazardous waste combustors: hazardous waste incinerators, hazardous waste cement kilns, hazardous waste lightweight aggregate kilns, hazardous waste solid fuel boilers, hazardous waste liquid fuel boilers, and hazardous waste hydrochloric acid production furnaces. Hazardous waste combustors are also subject to applicable requirements under parts 260 through 270 of this chapter.

- (a) What if I am an area source?
 - (1) Both area sources and major sources are subject to this subpart.
 - (2) Both area sources and major sources subject to this subpart, but not previously subject to title V, are immediately subject to the requirement to apply for and obtain a title V permit in all States, and in areas covered by part 71 of this chapter.

Subpart LLL - National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry

(Keywords: Portland Cement, Kiln, Mill)

§ 63.1340 What parts of my plant does this subpart cover?

- (a) The provisions of this subpart apply to each new and existing portland cement plant which is a major source or an area source as defined in §63.2.
- (b) The affected sources subject to this subpart are:
 - (1) Each kiln including alkali bypasses, except for kilns that burn hazardous waste and are subject to and regulated under subpart EEE of this part;
 - (2) Each clinker cooler at any portland cement plant;
 - (3) Each raw mill at any portland cement plant;
 - (4) Each finish mill at any portland cement plant;
 - (5) Each raw material dryer at any portland cement plant;
 - (6) Each raw material, clinker, or finished product storage bin at any portland cement plant;
 - (7) Each conveying system transfer point including those associated with coal preparation used to convey coal from the mill to the kiln at any portland cement plant;
 - (8) Each bagging and bulk loading and unloading system at any portland cement plant; and
 - (9) Each open clinker pile at any portland cement plant.
- (c) Crushers are not covered by this subpart regardless of their location.
- (d) If you are subject to any of the provisions of this subpart you are also subject to title V permitting requirements.

Subpart RRR - National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production

(Keywords: Secondary Aluminum, Sweat Furnace, Dross)

§ 63.1500 Applicability.

- (a) The requirements of this subpart apply to the owner or operator of each secondary aluminum production facility as defined in §63.1503.
- (b) The requirements of this subpart apply to the following affected sources, located at a secondary aluminum production facility that is a major source of hazardous air pollutants (HAPs) as defined in §63.2:
 - (1) Each new and existing aluminum scrap shredder;
 - (2) Each new and existing thermal chip dryer;
 - (3) Each new and existing scrap dryer/delacquering kiln/decoating kiln;
 - (4) Each new and existing group 2 furnace;
 - (5) Each new and existing sweat furnace;
 - (6) Each new and existing dross-only furnace;
 - (7) Each new and existing rotary dross cooler; and
 - (8) Each new and existing secondary aluminum processing unit.
- (c) The requirements of this subpart pertaining to dioxin and furan (D/F) emissions and associated operating, monitoring, reporting and recordkeeping requirements apply to the following affected sources, located at a secondary aluminum production facility that is an area source of HAPs as defined in §63.2:
 - (1) Each new and existing thermal chip dryer;
 - (2) Each new and existing scrap dryer/delacquering kiln/decoating kiln;
 - (3) Each new and existing sweat furnace;
 - (4) Each new and existing secondary aluminum processing unit, containing one or more group 1 furnace emission units processing other than clean charge.
- (d) The requirements of this subpart do not apply to facilities and equipment used for research and development that are not used to produce a saleable product.
- (e) If you are an owner or operator of an area source subject to this subpart, you are exempt from the obligation to obtain a permit under 40 CFR part 70 or 71, provided you are not required to obtain a permit under 40 CFR 70.3(a) or 71.3(a) for a reason other than your status as an area source under this subpart. Notwithstanding the previous sentence, you must continue to comply with the provisions of this subpart applicable to area sources.
- (f) An aluminum die casting facility, aluminum foundry, or aluminum extrusion facility shall be considered to be an area source if it does not emit, or have the potential to emit considering controls, 10 tons per year or more of any single listed HAP or 25 tons per year of any combination of listed HAP from all emission sources which are located in a contiguous area and under common control, without regard to whether or not such sources are regulated under this subpart or any other subpart. In the case of an aluminum die casting facility, aluminum foundry, or aluminum extrusion facility which is an area source and is subject to regulation under this subpart only because it operates a thermal chip dryer, no furnace operated by such a facility shall be deemed to be subject to the requirements of this subpart if it melts only clean charge, internal scrap, or customer returns.

Subpart VVV - National Emission Standard for Hazardous Air Pollutants: Publicly Owned Treatment Works

(Keywords: POTW, Sewage)

§ 63.1580 Am I subject to this subpart?

- (a) You are subject to this subpart if the following are all true:
 - (1) You own or operate a publicly owned treatment works (POTW) that includes an affected source (§63.1595);
 - (2) The affected source is located at a POTW which is a major source of HAP emissions, or at any industrial POTW regardless of whether or not it is a major source of HAP; and
 - (3) Your POTW is required to develop and implement a pretreatment program as defined by 40 CFR 403.8 (for a POTW owned or operated by a municipality, State, or intermunicipal or interstate agency), or your POTW would meet the general criteria for development and implementation of a pretreatment program (for a POTW owned or operated by a department, agency, or instrumentality of the Federal government).
- (b) If your existing POTW treatment plant is not located at a major source as of October 26, 1999, but thereafter becomes a major source for any reason other than reconstruction, then, for the purpose of this subpart, your POTW treatment plant would be considered an existing source. Note to Paragraph (b): See §63.2 of the national emission standards for hazardous air pollutants (NESHAP) General Provisions in subpart A of this part for the definitions of major source and area source.
- (c) If you reconstruct your POTW treatment plant, then the requirements for a new or reconstructed POTW treatment plant, as defined in §63.1595, apply.

Subpart AAAA - National Emission Standard for Hazardous Air Pollutants: Municipal Solid Waste Landfills

(Keywords: Solid Waste Landfill, MSW)

§ 63.1930 What is the purpose of this subpart?

This subpart establishes national emission standards for hazardous air pollutants for existing and new municipal solid waste (MSW) landfills. This subpart requires all landfills described in §63.1935 to meet the requirements of 40 CFR part 60, subpart Cc or WWW and requires timely control of bioreactors. This subpart also requires such landfills to meet the startup, shutdown, and malfunction (SSM) requirements of the general provisions of this part and provides that compliance with the operating conditions shall be demonstrated by parameter monitoring results that are within the specified ranges. It also includes additional reporting requirements.

§ 63.1935 Am I subject to this subpart?

You are subject to this subpart if you meet the criteria in paragraph (a) or (b) of this section.

- (a) You are subject to this subpart if you own or operate a MSW landfill that has accepted waste since November 8, 1987 or has additional capacity for waste deposition and meets any one of the three criteria in paragraphs (a)(1) through (3) of this section:
 - (1) Your MSW landfill is a major source as defined in 40 CFR 63.2 of subpart A.
 - (2) Your MSW landfill is collocated with a major source as defined in 40 CFR 63.2 of subpart A.
 - (3) Your MSW landfill is an area source landfill that has a design capacity equal to or greater than 2.5 million megagrams (Mg) and 2.5 million cubic meters (m³) and has estimated uncontrolled emissions equal to or greater than 50 megagrams per year (Mg/yr) NMOC as calculated according to §60.754(a) of the MSW landfills new source performance standards in 40 CFR part 60, subpart WWW, the Federal plan, or an EPA approved and effective State or tribal plan that applies to your landfill.
- (b) You are subject to this subpart if you own or operate a MSW landfill that has accepted waste since November 8, 1987 or has additional capacity for waste deposition, that includes a

bioreactor, as defined in §63.1990, and that meets any one of the criteria in paragraphs (b)(1) through (3) of this section:

- (1) Your MSW landfill is a major source as defined in 40 CFR 63.2 of subpart A.
- (2) Your MSW landfill is collocated with a major source as defined in 40 CFR 63.2 of subpart A.
- (3) Your MSW landfill is an area source landfill that has a design capacity equal to or greater than 2.5 million Mg and 2.5 million m³ and that is not permanently closed as of January 16, 2003.

§ 63.1940 What is the affected source of this subpart?

- (a) An affected source of this subpart is a MSW landfill, as defined in §63.1990, that meets the criteria in §63.1935(a) or (b). The affected source includes the entire disposal facility in a contiguous geographic space where household waste is placed in or on land, including any portion of the MSW landfill operated as a bioreactor.
- (b) A new affected source of this subpart is an affected source that commenced construction or reconstruction after November 7, 2000. An affected source is reconstructed if it meets the definition of reconstruction in 40 CFR 63.2 of subpart A.
- (c) An affected source of this subpart is existing if it is not new.

Subpart ZZZZ - National Emission Standard for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines

(Keywords: RICE Engines)

§ 63.6580 What is the purpose of subpart ZZZZ?

Subpart ZZZZ establishes national emission limitations and operating limitations for hazardous air pollutants (HAP) emitted from stationary reciprocating internal combustion engines (RICE) located at major and area sources of HAP emissions. This subpart also establishes requirements to demonstrate initial and continuous compliance with the emission limitations and operating limitations.

§ 63.6585 Am I subject to this subpart?

You are subject to this subpart if you own or operate a stationary RICE at a major or area source of HAP emissions, except if the stationary RICE is being tested at a stationary RICE test cell/stand.

- (a) A stationary RICE is any internal combustion engine which uses reciprocating motion to convert heat energy into mechanical work and which is not mobile. Stationary RICE differ from mobile RICE in that a stationary RICE is not a non-road engine as defined at 40 CFR 1068.30, and is not used to propel a motor vehicle or a vehicle used solely for competition.
- (b) A major source of HAP emissions is a plant site that emits or has the potential to emit any single HAP at a rate of 10 tons (9.07 megagrams) or more per year or any combination of HAP at a rate of 25 tons (22.68 megagrams) or more per year, except that for oil and gas production facilities, a major source of HAP emissions is determined for each surface site.
- (c) An area source of HAP emissions is a source that is not a major source.
- (d) If you are an owner or operator of an area source subject to this subpart, your status as an entity subject to a standard or other requirements under this subpart does not subject you to the obligation to obtain a permit under 40 CFR part 70 or 71, provided you are not required to obtain a permit under 40 CFR 70.3(a) or 40 CFR 71.3(a) for a reason other than your status as an area source under this subpart. Notwithstanding the previous sentence, you must continue to comply with the provisions of this subpart as applicable.

- (e) If you are an owner or operator of a stationary RICE used for national security purposes, you may be eligible to request an exemption from the requirements of this subpart as described in 40 CFR part 1068, subpart C.

§ 63.6590 What parts of my plant does this subpart cover?

This subpart applies to each affected source.

- (a) Affected source. An affected source is any existing, new, or reconstructed stationary RICE located at a major or area source of HAP emissions, excluding stationary RICE being tested at a stationary RICE test cell/stand.
- (1) Existing stationary RICE.
- i. For stationary RICE with a site rating of more than 500 brake horsepower (HP) located at a major source of HAP emissions, a stationary RICE is existing if you commenced construction or reconstruction of the stationary RICE before December 19, 2002.
 - ii. For stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions, a stationary RICE is existing if you commenced construction or reconstruction of the stationary RICE before June 12, 2006.
 - iii. For stationary RICE located at an area source of HAP emissions, a stationary RICE is existing if you commenced construction or reconstruction of the stationary RICE before June 12, 2006.
 - iv. A change in ownership of an existing stationary RICE does not make that stationary RICE a new or reconstructed stationary RICE.
- (2) New stationary RICE. (i) A stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions is new if you commenced construction of the stationary RICE on or after December 19, 2002.
- i. A stationary RICE with a site rating of equal to or less than 500 brake HP located at a major source of HAP emissions is new if you commenced construction of the stationary RICE on or after June 12, 2006.
 - ii. A stationary RICE located at an area source of HAP emissions is new if you commenced construction of the stationary RICE on or after June 12, 2006.
- (3) Reconstructed stationary RICE. (i) A stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions is reconstructed if you meet the definition of reconstruction in §63.2 and reconstruction is commenced on or after December 19, 2002.
- i. A stationary RICE with a site rating of equal to or less than 500 brake HP located at a major source of HAP emissions is reconstructed if you meet the definition of reconstruction in §63.2 and reconstruction is commenced on or after June 12, 2006.
 - ii. A stationary RICE located at an area source of HAP emissions is reconstructed if you meet the definition of reconstruction in §63.2 and reconstruction is commenced on or after June 12, 2006.
- (b) Stationary RICE subject to limited requirements.
- (1) An affected source which meets either of the criteria in paragraphs (b)(1)(i) through (ii) of this section does not have to meet the requirements of this subpart and of subpart A of this part except for the initial notification requirements of §63.6645(f).
- i. The stationary RICE is a new or reconstructed emergency stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions.

- (2) The stationary RICE is a new or reconstructed limited use stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions.
 - (3) A new or reconstructed stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions which combusts landfill or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis must meet the initial notification requirements of §63.6645(f) and the requirements of §§63.6625(c), 63.6650(g), and 63.6655(c). These stationary RICE do not have to meet the emission limitations and operating limitations of this subpart.
 - (4) The following stationary RICE do not have to meet the requirements of this subpart and of subpart A of this part, including initial notification requirements:
 - i. Existing spark ignition 2 stroke lean burn (2SLB) stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions;
 - ii. Existing spark ignition 4 stroke lean burn (4SLB) stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions;
 - iii. Existing emergency stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions;
 - iv. Existing limited use stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions;
 - v. Existing stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions that combusts landfill gas or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis;
 - vi. Existing residential emergency stationary RICE located at an area source of HAP emissions;
 - vii. Existing commercial emergency stationary RICE located at an area source of HAP emissions; or
 - viii. Existing institutional emergency stationary RICE located at an area source of HAP emissions.
- (c) Stationary RICE subject to Regulations under 40 CFR Part 60. An affected source that meets any of the criteria in paragraphs (c)(1) through (7) of this section must meet the requirements of this part by meeting the requirements of 40 CFR part 60 subpart IIII, for compression ignition engines or 40 CFR part 60 subpart JJJJ, for spark ignition engines. No further requirements apply for such engines under this part.
- (1) A new or reconstructed stationary RICE located at an area source;
 - (2) A new or reconstructed 2SLB stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions;
 - (3) A new or reconstructed 4SLB stationary RICE with a site rating of less than 250 brake HP located at a major source of HAP emissions;
 - (4) A new or reconstructed spark ignition 4 stroke rich burn (4SRB) stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions;
 - (5) A new or reconstructed stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions which combusts landfill or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis;
 - (6) A new or reconstructed emergency or limited use stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions;
 - (7) A new or reconstructed compression ignition (CI) stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions

Subpart WWWW - National Emission Standard for Hospital Ethylene Oxide Sterilizers

(Keywords: EO Sterilization, Ethylene Oxide)

§ 63.10382 Am I subject to this subpart?

- (a) You are subject to this subpart if you own or operate an ethylene oxide sterilization facility at a hospital that is an area source of hazardous air pollutant (HAP) emissions.
- (b) The affected source subject to this subpart is each new or existing sterilization facility.
 - (1) An affected source is existing if you commenced construction or reconstruction of the affected source before November 6, 2006.
 - (2) An affected source is new if you commenced construction or reconstruction of the affected source on or after November 6, 2006.

Subpart YYYY - National Emission Standard for Hazardous Air Pollutants for Area/Sources: Electric Arc Furnace Steelmaking Facilities

(Keywords: Electric Arc Furnace)

§ 63.10680 Am I subject to this subpart?

- (a) You are subject to this subpart if you own or operate an electric arc furnace (EAF) steelmaking facility that is an area source of hazardous air pollutant (HAP) emissions.
- (b) This subpart applies to each new or existing affected source. The affected source is each EAF steelmaking facility.
 - (1) An affected source is existing if you commenced construction or reconstruction of the affected source on or before September 20, 2007.
 - (2) An affected source is new if you commenced construction or reconstruction of the affected source after September 20, 2007.
- (c) This subpart does not apply to research and development facilities, as defined in section 112(c)(7) of the Clean Air Act (CAA).
- (d) If you own or operate an area source subject to this subpart, you must have or obtain a permit under 40 CFR part 70 or 40 CFR part 71.

Subpart ZZZZ - National Emission Standard for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources

(Keywords: Iron and Steel Foundry, Metal)

§ 63.10880 Am I subject to this subpart?

- (a) You are subject to this subpart if you own or operate an iron and steel foundry that is an area source of hazardous air pollutant (HAP) emissions.
- (b) This subpart applies to each new or existing affected source. The affected source is each iron and steel foundry.
 - (1) An affected source is existing if you commenced construction or reconstruction of the affected source before September 17, 2007.
 - (2) An affected source is new if you commenced construction or reconstruction of the affected source on or after September 17, 2007. If an affected source is not new pursuant to the preceding sentence, it is not new as a result of a change in its compliance obligations pursuant to §63.10881(d).
- (c) On and after January 2, 2008, if your iron and steel foundry becomes a major source as defined in §63.2, you must meet the requirements of 40 CFR part 63, subpart EEEEE.
- (d) This subpart does not apply to research and development facilities, as defined in section 112(c)(7) of the Clean Air Act.

- (e) You are exempt from the obligation to obtain a permit under 40 CFR part 70 or 40 CFR part 71, provided you are not otherwise required by law to obtain a permit under 40 CFR 70.3(a) or 40 CFR 71.3(a). Notwithstanding the previous sentence, you must continue to comply with the provisions of this subpart.
- (f) If you own or operate an existing affected source, you must determine the initial applicability of the requirements of this subpart to a small foundry or a large foundry based on your facility's metal melt production for calendar year 2008. If the metal melt production for calendar year 2008 is 20,000 tons or less, your area source is a small foundry. If your metal melt production for calendar year 2008 is greater than 20,000 tons, your area source is a large foundry. You must submit a written notification to the Administrator that identifies your area source as a small foundry or a large foundry no later than January 2, 2009.
- (g) If you own or operate a new affected source, you must determine the initial applicability of the requirements of this subpart to a small foundry or a large foundry based on your facility's annual metal melting capacity at startup. If the annual metal melting capacity is 10,000 tons or less, your area source is a small foundry. If the annual metal melting capacity is greater than 10,000 tons, your area source is a large foundry. You must submit a written notification to the Administrator that identifies your area source as a small foundry or a large foundry no later than 120 days after startup.

Subpart BBBB - National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities

(Keywords: Gasoline Distribution, Bulk Terminal)

§ 63.11080 What is the purpose of this subpart?

This subpart establishes national emission limitations and management practices for hazardous air pollutants (HAP) emitted from area source gasoline distribution bulk terminals, bulk plants, and pipeline facilities. This subpart also establishes requirements to demonstrate compliance with the emission limitations and management practices.

§ 63.11081 Am I subject to the requirements in this subpart?

- (a) The affected source to which this subpart applies is each area source bulk gasoline terminal, pipeline breakout station, pipeline pumping station, and bulk gasoline plant identified in paragraphs (a)(1) through (4) of this section. You are subject to the requirements in this subpart if you own or operate one or more of the affected area sources identified in paragraphs (a)(1) through (4) of this section.
 - (1) A bulk gasoline terminal that is not subject to the control requirements of 40 CFR part 63, subpart R (§§63.422, 63.423, and 63.424) or 40 CFR part 63, subpart CC (§§63.646, 63.648, 63.649, and 63.650).
 - (2) A pipeline breakout station that is not subject to the control requirements of 40 CFR part 63, subpart R (§§63.423 and 63.424).
 - (3) A pipeline pumping station.
 - (4) A bulk gasoline plant.
- (b) If you are an owner or operator of affected sources, as defined in (a)(1) through (4) of this section, you are not required to meet the obligation to obtain a permit under 40 CFR part 70 or 40 CFR part 71 as a result of being subject to this subpart. However, you are still subject to the requirement to apply for and obtain a permit under 40 CFR part 70 or 40 CFR part 71 if you meet one or more of the applicability criteria found in 40 CFR 70.3(a) and (b) or 40 CFR part 71.3(a) and (b).
- (c) Gasoline storage tanks that are located at affected sources identified in paragraphs (a)(1) through (a)(4) of this section, and that are used only for dispensing gasoline in a manner consistent with

tanks located at a gasoline dispensing facility as defined in §63.11132, are not subject to any of the requirements in this subpart. These tanks must comply with subpart CCCCCC of this part.

- (d) The loading of aviation gasoline into storage tanks at airports, and the subsequent transfer of aviation gasoline within the airport, is not subject to this subpart.
- (e) The loading of gasoline into marine tank vessels at bulk facilities is not subject to this subpart.
- (f) If your affected source's throughput ever exceeds an applicable throughput threshold in the definition of "bulk gasoline terminal" or in item 1 in Table 2 to this subpart, the affected source will remain subject to the requirements for sources above the threshold, even if the affected source throughput later falls below the applicable throughput threshold.
- (g) For the purpose of determining gasoline throughput, as used in the definition of bulk gasoline plant and bulk gasoline terminal, the 20,000 gallons per day threshold throughput is the maximum calculated design throughput for any day, and is not an average. An enforceable State, local, or Tribal permit limitation on throughput, established prior to the applicable compliance date, may be used in lieu of the 20,000 gallons per day design capacity throughput threshold to determine whether the facility is a bulk gasoline plant or a bulk gasoline terminal.
- (h) Storage tanks that are used to load gasoline into a cargo tank for the on-site redistribution of gasoline to another storage tank are subject to this subpart.
- (i) For any affected source subject to the provisions of this subpart and another Federal rule, you may elect to comply only with the more stringent provisions of the applicable subparts. You must consider all provisions of the rules, including monitoring, recordkeeping, and reporting. You must identify the affected source and provisions with which you will comply in your Notification of Compliance Status required under §63.11093. You also must demonstrate in your Notification of Compliance Status that each provision with which you will comply is at least as stringent as the otherwise applicable requirements in this subpart. You are responsible for making accurate determinations concerning the more stringent provisions; noncompliance with this rule is not excused if it is later determined that your determination was in error, and, as a result, you are violating this subpart. Compliance with this rule is your responsibility, and the Notification of Compliance Status does not alter or affect that responsibility.
- (j) For new or reconstructed affected sources, as specified in §63.11082(b) and (c), recordkeeping to document applicable throughput must begin upon startup of the affected source. For existing sources, as specified in §63.11082(d), recordkeeping to document applicable throughput must begin on January 10, 2008. Records required under this paragraph shall be kept for a period of 5 years.

[73 FR 1933, Jan. 10, 2008, as amended at 76 FR 4176, Jan. 24, 2011]

§ 63.11082 What parts of my affected source does this subpart cover?

- (a) The emission sources to which this subpart applies are gasoline storage tanks, gasoline loading racks, vapor collection-equipped gasoline cargo tanks, and equipment components in vapor or liquid gasoline service that meet the criteria specified in Tables 1 through 3 to this subpart.
- (b) An affected source is a new affected source if you commenced construction on the affected source after November 9, 2006, and you meet the applicability criteria in §63.11081 at the time you commenced operation.
- (c) An affected source is reconstructed if you meet the criteria for reconstruction as defined in §63.2.
- (d) An affected source is an existing affected source if it is not new or reconstructed.

Subpart CCCCCC - National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities

(Keywords: Gasoline Dispensing, Gas Station)

§ 63.11110 What is the purpose of this subpart?

This subpart establishes national emission limitations and management practices for hazardous air pollutants (HAP) emitted from the loading of gasoline storage tanks at gasoline dispensing facilities (GDF). This subpart also establishes requirements to demonstrate compliance with the emission limitations and management practices.

§ 63.11111 Am I subject to the requirements in this subpart?

- (a) The affected source to which this subpart applies is each GDF that is located at an area source. The affected source includes each gasoline cargo tank during the delivery of product to a GDF and also includes each storage tank.
- (b) If your GDF has a monthly throughput of less than 10,000 gallons of gasoline, you must comply with the requirements in §63.11116.
- (c) If your GDF has a monthly throughput of 10,000 gallons of gasoline or more, you must comply with the requirements in §63.11117.
- (d) If your GDF has a monthly throughput of 100,000 gallons of gasoline or more, you must comply with the requirements in §63.11118.
- (e) An affected source shall, upon request by the Administrator, demonstrate that their monthly throughput is less than the 10,000-gallon or the 100,000-gallon threshold level, as applicable. For new or reconstructed affected sources, as specified in §63.11112(b) and (c), recordkeeping to document monthly throughput must begin upon startup of the affected source. For existing sources, as specified in §63.11112(d), recordkeeping to document monthly throughput must begin on January 10, 2008. For existing sources that are subject to this subpart only because they load gasoline into fuel tanks other than those in motor vehicles, as defined in §63.11132, recordkeeping to document monthly throughput must begin on January 24, 2011. Records required under this paragraph shall be kept for a period of 5 years.
- (f) If you are an owner or operator of affected sources, as defined in paragraph (a) of this section, you are not required to obtain a permit under 40 CFR part 70 or 40 CFR part 71 as a result of being subject to this subpart. However, you must still apply for and obtain a permit under 40 CFR part 70 or 40 CFR part 71 if you meet one or more of the applicability criteria found in 40 CFR 70.3(a) and (b) or 40 CFR 71.3(a) and (b).
- (g) The loading of aviation gasoline into storage tanks at airports, and the subsequent transfer of aviation gasoline within the airport, is not subject to this subpart.
- (h) Monthly throughput is the total volume of gasoline loaded into, or dispensed from, all the gasoline storage tanks located at a single affected GDF. If an area source has two or more GDF at separate locations within the area source, each GDF is treated as a separate affected source.
- (i) If your affected source's throughput ever exceeds an applicable throughput threshold, the affected source will remain subject to the requirements for sources above the threshold, even if the affected source throughput later falls below the applicable throughput threshold.
- (j) The dispensing of gasoline from a fixed gasoline storage tank at a GDF into a portable gasoline tank for the on-site delivery and subsequent dispensing of the gasoline into the fuel tank of a motor vehicle or other gasoline-fueled engine or equipment used within the area source is only subject to §63.11116 of this subpart.
- (k) For any affected source subject to the provisions of this subpart and another Federal rule, you may elect to comply only with the more stringent provisions of the applicable subparts. You must consider all provisions of the rules, including monitoring, recordkeeping, and reporting. You must identify the affected source and provisions with which you will comply in your Notification of Compliance Status required under §63.11124. You also must demonstrate in your Notification of Compliance Status that each provision with which you will comply is at least as stringent as the otherwise applicable requirements in this subpart. You are responsible for making accurate determinations concerning the more stringent provisions, and noncompliance with this rule is not excused if it is later determined that your determination was in error, and, as a result, you are

violating this subpart. Compliance with this rule is your responsibility and the Notification of Compliance Status does not alter or affect that responsibility.

[73 FR 1945, Jan. 10, 2008, as amended at 76 FR 4181, Jan. 24, 2011]

§ 63.11112 What parts of my affected source does this subpart cover?

- (a) The emission sources to which this subpart applies are gasoline storage tanks and associated equipment components in vapor or liquid gasoline service at new, reconstructed, or existing GDF that meet the criteria specified in §63.11111. Pressure/Vacuum vents on gasoline storage tanks and the equipment necessary to unload product from cargo tanks into the storage tanks at GDF are covered emission sources. The equipment used for the refueling of motor vehicles is not covered by this subpart.
- (b) An affected source is a new affected source if you commenced construction on the affected source after November 9, 2006, and you meet the applicability criteria in §63.11111 at the time you commenced operation.
- (c) An affected source is reconstructed if you meet the criteria for reconstruction as defined in §63.2.
- (d) An affected source is an existing affected source if it is not new or reconstructed

Subpart DDDDDD - National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production Area Sources

(Keywords: Polyvinyl Chloride, PVC)

§ 63.11140 Am I subject to this subpart?

- (a) You are subject to this subpart if you own or operate a plant specified in 40 CFR 61.61(c) that produces polyvinyl chloride (PVC) or copolymers and is an area source of hazardous air pollutant (HAP) emissions.
- (b) This subpart applies to each new or existing affected source. The affected source is the collection of all equipment and activities in vinyl chloride service necessary to produce PVC and copolymers. An affected source does not include portions of your PVC and copolymers production operations that meet the criteria in 40 CFR 61.60(b) or (c).
 - (1) An affected source is existing if you commenced construction or reconstruction of the affected source before October 6, 2006.
 - (2) An affected source is new if you commenced construction or reconstruction of the affected source on or after October 6, 2006.
- (c) This subpart does not apply to research and development facilities, as defined in section 112(c)(7) of the Clean Air Act (CAA).
- (d) You are exempt from the obligation to obtain a permit under 40 CFR part 70 or 40 CFR part 71, provided you are not otherwise required by law to obtain a permit under 40 CFR 70.3(a) or 40 CFR 71.3(a). Notwithstanding the previous sentence, you must continue to comply with the provisions of this subpart.

Subpart EEEEE - National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting Area Sources

(Keywords: Primary Copper Smelter)

§ 63.11146 What are the applicability provisions and compliance dates?

- (a) You are subject to this subpart if you own or operate a primary copper smelter that is an area source of hazardous air pollutant (HAP) emissions.
- (b) This subpart applies to each new or existing affected source. The affected source is each primary copper smelter.
 - (1) An affected source is existing if you commenced construction or reconstruction of the affected source before October 6, 2006.

- (2) An affected source is new if you commenced construction or reconstruction of the affected source on or after October 6, 2006.
- (c) This subpart does not apply to research and development facilities, as defined in section 112(c)(7) of the Clean Air Act (CAA).
- (d) If you own or operate an area source subject to this subpart, you must obtain a permit under 40 CFR part 70 or 40 CFR part 71.
- (e) If you own or operate an existing affected source, you must achieve compliance with the applicable provisions of this subpart by January 23, 2007.
- (f) If you own or operate a new affected source, you must achieve compliance with the applicable provisions of this subpart by the dates in paragraphs (f)(1) and (2) of this section.
 - (1) If you startup a new affected source on or before January 23, 2007, you must achieve compliance with the applicable provisions of this subpart not later than January 23, 2007.
 - (2) If you startup a new affected source after January 23, 2007, you must achieve compliance with the applicable provisions of this subpart upon startup of your affected source.

Subpart FFFFFFF - National Emission Standards for Hazardous Air Pollutants for Secondary Copper Smelting Area Sources

(Keywords: Secondary Copper Smelter)

§ 63.11153 Am I subject to this subpart?

- (a) You are subject to this subpart if you own or operate a new secondary copper smelter that is an area source of hazardous air pollutant (HAP) emissions.
- (b) This subpart applies to each new affected source. The affected source is each secondary copper smelter. Your secondary copper smelter is a new affected source if you commenced construction or reconstruction of the affected source on or after October 6, 2006.
- (c) This subpart does not apply to research and development facilities, as defined in section 112(c)(7) of the CAA.
- (d) If you own or operate an area source subject to this subpart, you must obtain a permit under 40 CFR part 70 or 40 CFR part 71.

Subpart GGGGGG - National Emission Standards for Hazardous Air Pollutants for Primary Nonferrous Metals Area Sources—Zinc, Cadmium, and Beryllium

(Keywords: Zinc and Beryllium Production, Cadmium Melting Furnace)

§ 63.11160 Am I subject to this subpart?

- (a) You are subject to this subpart if you own or operate a primary zinc production facility or primary beryllium production facility that is an area source of hazardous air pollutant (HAP) emissions.
- (b) The affected source is each existing or new primary zinc production facility or primary beryllium production facility.
 - (1) An affected source is existing if you commenced construction or reconstruction of the affected source before October 6, 2006.
 - (2) An affected source is new if you commenced construction or reconstruction of the affected source on or after October 6, 2006.
- (c) If you own or operate a new or existing affected source, you must obtain a permit under 40 CFR part 70 or 71.

Subpart HHHHHH - National Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources

(Keywords: Metal Parts Coating, Spray Painting, Metal Stripping, Auto Body Coating)

§ 63.11169 What is the purpose of this subpart?

Except as provided in paragraph (d) of this section, this subpart establishes national emission standards for hazardous air pollutants (HAP) for area sources involved in any of the activities in paragraphs (a) through (c) of this section. This subpart also establishes requirements to demonstrate initial and continuous compliance with the emission standards contained herein.

- (a) Paint stripping operations that involve the use of chemical strippers that contain methylene chloride (MeCl), Chemical Abstract Service number 75092, in paint removal processes;
- (b) Auto body refinishing operations that encompass motor vehicle and mobile equipment spray-applied surface coating operations;
- (c) Spray application of coatings containing compounds of chromium (Cr), lead (Pb), manganese (Mn), nickel (Ni), or cadmium (Cd), collectively referred to as the target HAP to any part or product made of metal or plastic, or combinations of metal and plastic that are not motor vehicles or mobile equipment.
- (d) This subpart does not apply to any of the activities described in paragraph (d)(1) through (6) of this section.
 - (1) Surface coating or paint stripping performed on site at installations owned or operated by the Armed Forces of the United States (including the Coast Guard and the National Guard of any such State), the National Aeronautics and Space Administration, or the National Nuclear Security Administration.
 - (2) Surface coating or paint stripping of military munitions, as defined in §63.11180, manufactured by or for the Armed Forces of the United States (including the Coast Guard and the National Guard of any such State) or equipment directly and exclusively used for the purposes of transporting military munitions.
 - (3) Surface coating or paint stripping performed by individuals on their personal vehicles, possessions, or property, either as a hobby or for maintenance of their personal vehicles, possessions, or property. This subpart also does not apply when these operations are performed by individuals for others without compensation. An individual who spray applies surface coating to more than two motor vehicles or pieces of mobile equipment per year is subject to the requirements in this subpart that pertain to motor vehicle and mobile equipment surface coating regardless of whether compensation is received.
 - (4) Surface coating or paint stripping that meets the definition of “research and laboratory activities” in §63.11180.
 - (5) Surface coating or paint stripping that meets the definition of “quality control activities” in §63.11180.
 - (6) Surface coating or paint stripping activities that are covered under another area source NESHAP.

§ 63.11170 Am I subject to this subpart?

- (a) You are subject to this subpart if you operate an area source of HAP as defined in paragraph (b) of this section, including sources that are part of a tribal, local, State, or Federal facility and you perform one or more of the activities in paragraphs (a)(1) through (3) of this section:
 - (1) Perform paint stripping using MeCl for the removal of dried paint (including, but not limited to, paint, enamel, varnish, shellac, and lacquer) from wood, metal, plastic, and other substrates.
 - (2) Perform spray application of coatings, as defined in §63.11180, to motor vehicles and mobile equipment including operations that are located in stationary structures at fixed locations, and mobile repair and refinishing operations that travel to the customer's location, except spray coating applications that meet the definition of facility maintenance in §63.11180. However, if you are the owner or operator of a motor vehicle or mobile

equipment surface coating operation, you may petition the Administrator for an exemption from this subpart if you can demonstrate, to the satisfaction of the Administrator, that you spray apply no coatings that contain the target HAP, as defined in §63.11180. Petitions must include a description of the coatings that you spray apply and your certification that you do not spray apply any coatings containing the target HAP. If circumstances change such that you intend to spray apply coatings containing the target HAP, you must submit the initial notification required by 63.11175 and comply with the requirements of this subpart.

- (3) Perform spray application of coatings that contain the target HAP, as defined in §63.11180, to a plastic and/or metal substrate on a part or product, except spray coating applications that meet the definition of facility maintenance or space vehicle in §63.11180.
- (b) An area source of HAP is a source of HAP that is not a major source of HAP, is not located at a major source, and is not part of a major source of HAP emissions. A major source of HAP emissions is any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit any single HAP at a rate of 9.07 megagrams (Mg) (10 tons) or more per year, or emit any combination of HAP at a rate of 22.68 Mg (25 tons) or more per year.

§ 63.11171 How do I know if my source is considered a new source or an existing source?

- (a) This subpart applies to each new and existing affected area source engaged in the activities listed in §63.11170, with the exception of those activities listed in §63.11169(d) of this subpart.
- (b) The affected source is the collection of all of the items listed in paragraphs (b)(1) through (6) of this section. Not all affected sources will have all of the items listed in paragraphs (b)(1) through (6) of this section.
 - (1) Mixing rooms and equipment;
 - (2) Spray booths, ventilated prep stations, curing ovens, and associated equipment;
 - (3) Spray guns and associated equipment;
 - (4) Spray gun cleaning equipment;
 - (5) Equipment used for storage, handling, recovery, or recycling of cleaning solvent or waste paint; and
 - (6) Equipment used for paint stripping at paint stripping facilities using paint strippers containing MeCl.
- (c) An affected source is a new source if it meets the criteria in paragraphs (c)(1) and (c)(2) of this section.
 - (1) You commenced the construction of the source after September 17, 2007 by installing new paint stripping or surface coating equipment. If you purchase and install spray booths, enclosed spray gun cleaners, paint stripping equipment to reduce MeCl emissions, or purchase new spray guns to comply with this subpart at an existing source, these actions would not make your existing source a new source.
 - (2) The new paint stripping or surface coating equipment is used at a source that was not actively engaged in paint stripping and/or miscellaneous surface coating prior to September 17, 2007.
- (d) An affected source is reconstructed if it meets the definition of reconstruction in §63.2.
- (e) An affected source is an existing source if it is not a new source or a reconstructed source.

Subpart JJJJJJ - National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources

(Keywords: Boiler, Indirect Heat Exchanger)

§ 63.11194 What is the affected source of this subpart?

- (a) This subpart applies to each new, reconstructed, or existing affected source as defined in paragraphs (a)(1) and (2) of this section.
 - (1) The affected source is the collection of all existing industrial, commercial, and institutional boilers within a subcategory (coal, biomass, oil), as listed in §63.11200 and defined in §63.11237, located at an area source.
 - (2) The affected source of this subpart is each new or reconstructed industrial, commercial, or institutional boiler within a subcategory, as listed in §63.11200 and as defined in §63.11237, located at an area source.
- (b) An affected source is an existing source if you commenced construction or reconstruction of the affected source on or before June 4, 2010.
- (c) An affected source is a new source if you commenced construction or reconstruction of the affected source after June 4, 2010 and you meet the applicability criteria at the time you commence construction.
- (d) A boiler is a new affected source if you commenced fuel switching from natural gas to solid fossil fuel, biomass, or liquid fuel after June 4, 2010.
- (e) If you are an owner or operator of an area source subject to this subpart, you are exempt from the obligation to obtain a permit under 40 CFR part 70 or part 71 as a result of this subpart. You may, however, be required to obtain a title V permit due to another reason or reasons. See 40 CFR 70.3(a) and (b) or 71.3(a) and (b). Notwithstanding the exemption from title V permitting for area sources under this subpart, you must continue to comply with the provisions of this subpart.

§ 63.11195 Are any boilers not subject to this subpart?

The types of boilers listed in paragraphs (a) through (g) of this section are not subject to this subpart and to any requirements in this subpart.

- (a) Any boiler specifically listed as, or included in the definition of, an affected source in another standard(s) under this part.
- (b) Any boiler specifically listed as an affected source in another standard(s) established under section 129 of the Clean Air Act.
- (c) A boiler required to have a permit under section 3005 of the Solid Waste Disposal Act or covered by subpart EEE of this part (e.g., hazardous waste boilers).
- (d) A boiler that is used specifically for research and development. This exemption does not include boilers that solely or primarily provide steam (or heat) to a process or for heating at a research and development facility. This exemption does not prohibit the use of the steam (or heat) generated from the boiler during research and development, however, the boiler must be concurrently and primarily engaged in research and development for the exemption to apply.
- (e) A gas-fired boiler as defined in this subpart.
- (f) A hot water heater as defined in this subpart.
- (g) Any boiler that is used as a control device to comply with another subpart of this part, provided that at least 50 percent of the heat input to the boiler is provided by the gas stream that is regulated under another subpart.

Subpart LLLLLL - National Emission Standards for Hazardous Air Pollutants for Acrylic and Modacrylic Fibers Production Area Sources

(Keywords: Acrylic, Modacrylic Production)

§ 63.11393 Am I subject to this subpart?

- (a) You are subject to this subpart if you own or operate an acrylic or modacrylic fibers production plant that is an area source of hazardous air pollutant (HAP) emissions.

- (b) This subpart applies to each new or existing affected source. The affected source is each acrylic or modacrylic fibers plant.
 - (1) An affected source is existing if you commenced construction or reconstruction of the affected source on or before April 4, 2007.
 - (2) An affected source is new if you commenced construction or reconstruction of the affected source after April 4, 2007.
- (c) This subpart does not apply to research and development facilities, as defined in section 112(c)(7) of the Clean Air Act (CAA).
- (d) You are exempt from the obligation to obtain a permit under 40 CFR part 70 or 40 CFR part 71, provided you are not otherwise required by law to obtain a permit under 40 CFR 70.3(a) or 40 CFR 71.3(a). Notwithstanding the previous sentence, you must continue to comply with the provisions of this subpart.

Subpart MMMMMM - National Emission Standards for Hazardous Air Pollutants for Carbon Black Production Area Sources

(Keywords: Carbon Black Production, FCC Tar, Coal Tar Combustion)

§ 63.11400 Am I subject to this subpart?

- (a) You are subject to this subpart if you own or operate a carbon black production facility that is an area source of hazardous air pollutant (HAP) emissions.
- (b) This subpart applies to each new or existing affected source. The affected source is each carbon black production process unit. The affected source includes all waste management units, maintenance wastewater, and equipment components that contain or contact HAP that are associated with the carbon black production process unit.
 - (1) An affected source is an existing source if you commenced construction or reconstruction of the affected source on or before April 4, 2007.
 - (2) An affected source is new if you commenced construction or reconstruction of the affected source after April 4, 2007.
- (c) This subpart does not apply to research and development facilities, as defined in section 112(c)(7) of the Clean Air Act (CAA).
- (d) If you own or operate an area source subject to this subpart, you must obtain a permit under 40 CFR part 70 or 40 CFR part 71.

Subpart NNNNNN - National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources: Chromium Compounds

(Keywords: Chrome, Chromium)

§ 63.11407 Am I subject to this subpart?

- (a) You are subject to this subpart if you own or operate a chromium compounds manufacturing facility that is an area source of hazardous air pollutant (HAP) emissions.
- (b) This subpart applies to each new or existing affected source. The affected source is each chromium compounds manufacturing facility.
 - (1) An affected source is existing if you commenced construction or reconstruction of the affected source on or before April 4, 2007.
 - (2) An affected source is new if you commence construction or reconstruction of the affected source after April 4, 2007.
- (c) This subpart does not apply to research and development facilities, as defined in section 112(c)(7) of the CAA.
- (d) If you own or operate an area source subject to this subpart, you must obtain a permit under 40 CFR part 70 or 40 CFR part 71.

Subpart OOOOOO - National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production and Fabrication Area Sources

(Keywords: Flexible Polyurethane Foam, Rebond Foam)

§ 63.11414 Am I subject to this subpart?

- (a) You are subject to this subpart if you own or operate an area source of hazardous air pollutant (HAP) emissions that meets the criteria in paragraph (a)(1) or (2) of this section.
 - (1) You own or operate a plant that produces flexible polyurethane foam or rebond foam as defined in §63.1292 of subpart III.
 - (2) You own or operate a flexible polyurethane foam fabrication facility, as defined in §63.11419.
- (b) The provisions of this subpart apply to each new and existing affected source that meets the criteria listed in paragraphs (b)(1) through (4) of this section.
 - (1) A slabstock flexible polyurethane foam production affected source is the collection of all equipment and activities necessary to produce slabstock flexible polyurethane foam.
 - (2) A molded flexible polyurethane foam production affected source is the collection of all equipment and activities necessary to produce molded foam.
 - (3) A rebond foam production affected source is the collection of all equipment and activities necessary to produce rebond foam.
 - (4) A flexible polyurethane foam fabrication affected source is the collection of all equipment and activities at a flexible polyurethane foam fabrication facility where adhesives are used to bond foam to foam or other substrates. Equipment and activities at flexible polyurethane foam fabrication facilities which do not use adhesives to bond foam to foam or other substrates are not flexible polyurethane foam fabrication affected sources.
- (c) An affected source is existing if you commenced construction or reconstruction of the affected source on or before April 4, 2007.
- (d) An affected source is new if you commenced construction or reconstruction of the affected source after April 4, 2007.
- (e) This subpart does not apply to research and development facilities, as defined in section 112(c)(7) of the Clean Air Act (CAA).
- (f) You are exempt from the obligation to obtain a permit under 40 CFR part 70 or 40 CFR part 71, provided you are not otherwise required by law to obtain a permit under 40 CFR 70.3(a) or 40 CFR 71.3(a). Notwithstanding the previous sentence, you must continue to comply with the provisions of this subpart.

Subpart PPPPPP - National Emission Standards for Hazardous Air Pollutants for Lead Acid Battery Manufacturing Area Sources

(Keywords: Lead Acid Battery, Lead Reclamation)

§ 63.11421 Am I subject to this subpart?

- (a) You are subject to this subpart if you own or operate a lead acid battery manufacturing plant that is an area source of hazardous air pollutants (HAP) emissions.
- (b) This subpart applies to each new or existing affected source. The affected source is each lead acid battery manufacturing plant. The affected source includes all grid casting facilities, paste mixing facilities, three-process operation facilities, lead oxide manufacturing facilities, lead reclamation facilities, and any other lead-emitting operation that is associated with the lead acid battery manufacturing plant.
 - (1) An affected source is existing if you commenced construction or reconstruction of the affected source on or before April 4, 2007.

- (2) An affected source is new if you commenced construction or reconstruction of the affected source after April 4, 2007.
- (c) This subpart does not apply to research and development facilities, as defined in section 112(c)(7) of the Clean Air Act (CAA).
- (d) You are exempt from the obligation to obtain a permit under 40 CFR part 70 or 40 CFR part 71, provided you are not otherwise required by law to obtain a permit under 40 CFR 70.3(a) or 40 CFR 71.3(a). Notwithstanding the previous sentence, you must continue to comply with the provisions of this subpart.

Subpart QQQQQQ - National Emission Standards for Hazardous Air Pollutants for Wood Preserving Area Sources

(Keywords: Wood Preserving)

§ 63.11428 Am I subject to this subpart?

- (a) You are subject to this subpart if you own or operate a wood preserving operation that is an area source of hazardous air pollutant (HAP) emissions.
- (b) The affected source is each new or existing wood preserving operation.
 - (1) An affected source is existing if you commenced construction or reconstruction of the affected source on or before April 4, 2007.
 - (2) An affected source is new if you commenced construction or reconstruction of the affected source after April 4, 2007.
- (c) You are exempt from the obligation to obtain a permit under 40 CFR part 70 or 40 CFR part 71, provided you are not otherwise required by law to obtain a permit under 40 CFR 70.3(a) or 40 CFR 71.3(a). Notwithstanding the previous sentence, you must continue to comply with the provisions of this subpart.

Subpart RRRRRR - National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing Area Sources

(Keywords: Clay Ceramics, Kiln)

§ 63.11435 Am I subject to this subpart?

- (a) You are subject to this subpart if you own or operate a clay ceramics manufacturing facility (as defined in §63.11444), with an atomized glaze spray booth or kiln that fires glazed ceramic ware, that processes more than 45 megagrams per year (Mg/yr) (50 tons per year (tpy)) of wet clay and is an area source of hazardous air pollutant (HAP) emissions.
- (b) If you are an owner or operator of an area source subject to this subpart, you are exempt from the obligation to obtain a permit under 40 CFR part 70 or 71, provided you are not required to obtain a permit under 40 CFR 70.3(a) or 71.3(a) for a reason other than your status as an area source under this subpart. You must continue to comply with the provisions of this subpart applicable to area sources.

§ 63.11436 What parts of my plant does this subpart cover?

- (a) This subpart applies to any existing or new affected source located at a clay ceramics manufacturing facility.
- (b) The affected source includes all atomized glaze spray booths and kilns that fire glazed ceramic ware located at a clay ceramics manufacturing facility.
- (c) An affected source is existing if you commenced construction or reconstruction of the affected source on or before September 20, 2007.
- (d) An affected source is new if you commenced construction or reconstruction of the affected source after September 20, 2007.

Subpart SSSSSS - National Emission Standards for Hazardous Air Pollutants for Glass Manufacturing Area Sources?

(Keywords: Glass Manufacturing)

§ 63.11448 Am I subject to this subpart?

You are subject to this subpart if you own or operate a glass manufacturing facility that is an area source of hazardous air pollutant (HAP) emissions and meets all of the criteria specified in paragraphs (a) through (c) of this section.

- (a) A glass manufacturing facility is a plant site that manufactures flat glass, glass containers, or pressed and blown glass by melting a mixture of raw materials, as defined in §63.11459, to produce molten glass and form the molten glass into sheets, containers, or other shapes.
- (b) An area source of HAP emissions is any stationary source or group of stationary sources within a contiguous area under common control that does not have the potential to emit any single HAP at a rate of 9.07 megagrams per year (Mg/yr) (10 tons per year (tpy)) or more and any combination of HAP at a rate of 22.68 Mg/yr (25 tpy) or more.
- (c) Your glass manufacturing facility uses one or more continuous furnaces to produce glass that contains compounds of one or more glass manufacturing metal HAP, as defined in §63.11459, as raw materials in a glass manufacturing batch formulation.

§ 63.11449 What parts of my plant does this subpart cover?

- (a) This subpart applies to each existing or new affected glass melting furnace that is located at a glass manufacturing facility and satisfies the requirements specified in paragraphs (a)(1) through (3) of this section.
 - (1) The furnace is a continuous furnace, as defined in §63.11459.
 - (2) The furnace is charged with compounds of one or more glass manufacturing metal HAP as raw materials.
 - (3) The furnace is used to produce glass, which contains one or more of the glass manufacturing metal HAP as raw materials, at a rate of at least 45 Mg/yr (50 tpy).
- (b) A furnace that is a research and development process unit, as defined in §63.11459, is not an affected furnace under this subpart.
- (c) An affected source is an existing source if you commenced construction or reconstruction of the affected source on or before September 20, 2007.
- (d) An affected source is a new source if you commenced construction or reconstruction of the affected source after September 20, 2007.
- (e) If you own or operate an area source subject to this subpart, you must obtain a permit under 40 CFR part 70 or 40 CFR part 71.

Subpart TTTTTT - National Emission Standards for Hazardous Air Pollutants for Secondary Nonferrous Metals Processing Area Sources

(Keywords: Secondary Nonferrous Metals Processing)

§ 63.11462 Am I subject to this subpart?

- (a) You are subject to this subpart if you own or operate a secondary nonferrous metals processing facility (as defined in §63.11472) that is an area source of hazardous air pollutant (HAP) emissions.
- (b) If you are an owner or operator of an area source subject to this subpart, you are exempt from the obligation to obtain a permit under 40 CFR part 70 or 71, provided you are not required to obtain a permit under 40 CFR 70.3(a) or 71.3(a) for a reason other than your status as an area source under this subpart. Notwithstanding the previous sentence, you must continue to comply with the provisions of this subpart applicable to area sources.

§ 63.11463 What parts of my plant does this subpart cover?

- (a) This subpart applies to any existing or new affected source located at a secondary nonferrous metals processing facility.
- (b) The affected source includes all crushing and screening operations at a secondary zinc processing facility and all furnace melting operations located at any secondary nonferrous metals processing facilities.
- (c) An affected source is existing if you commenced construction or reconstruction of the affected source on or before September 20, 2007.
- (d) An affected source is new if you commenced construction or reconstruction of the affected source after September 20, 2007.

Subpart VVVVVV -National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources

(Keywords: CMPU, Chemical Manufacturing)

§ 63.11494 What are the applicability requirements and compliance dates?

- (a) Except as specified in paragraph (c) of this section, you are subject to this subpart if you own or operate a chemical manufacturing process unit (CMPU) that meets the conditions specified in paragraphs (a)(1) through (3) of this section.
 - (1) The CMPU uses as feedstocks, generates as byproducts, or produces as products any of the hazardous air pollutants (HAP) listed in Table 1 to this subpart (Table 1 HAP).
 - (2) The CMPU is located at an area source of HAP emissions.
 - (3) Table 1 HAP are present in feedstocks, or Table 1 HAP are generated or produced in the CMPU and are present in process fluid, at concentrations greater than 0.1 percent for carcinogens, as defined by the Occupational Safety and Health Administration at 29 CFR 1910.1200(d)(4), and greater than 1.0 percent for noncarcinogens. To determine the Table 1 HAP content of feedstocks, you may rely on formulation data provided by the manufacturer or supplier, such as the Material Safety Data Sheet (MSDS) for the material. If the concentration in an MSDS is presented as a range, use the upper bound of the range.
- (b) A CMPU includes all process vessels, equipment, and activities necessary to operate a chemical manufacturing process that produces a material or a family of materials described by North American Industry Classification System (NAICS) code 325. A CMPU consists of one or more unit operations and any associated recovery devices. A CMPU also includes each storage tank, transfer operation, surge control vessel, and bottoms receiver associated with the production of such NAICS code 325 materials.
- (c) This subpart does not apply to the operations specified in paragraphs (c)(1) through (6) of this section.
 - (1) Affected sources under the following chemical manufacturing area source categories listed pursuant to Clean Air Act (CAA) section 112(c)(3) and 112(k)(3)(B)(ii) that are subject to area source standards under this part:
 - i. Manufacture of Paint and Allied Products, subject to subpart CCCCCC of this part.
 - ii. Mercury Emissions from Mercury Cell Chlor-Alkali Plants, subject to subpart IIIII of this part.
 - iii. Polyvinyl Chloride and Copolymers Production, subject to subpart DDDDDD of this part.
 - iv. Acrylic and Modacrylic Fibers Production, subject to subpart LLLLLL of this part.
 - v. Carbon Black Production, subject to subpart MMMMMM of this part.

- vi. Chemical Manufacturing Area Sources: Chromium Compounds, subject to subpart NNNNNN of this part.
- (2) Production of the following chemical manufacturing materials described in NAICS code 325:
- i. Manufacture of radioactive elements or isotopes, radium chloride, radium luminous compounds, strontium, uranium.
 - ii. Manufacture of photographic film, paper, and plate where the material is coated with or contains chemicals. This subpart does apply to the manufacture of photographic chemicals.
 - iii. Fabricating operations (such as spinning or compressing a solid polymer into its end use); compounding operations (in which blending, melting, and resolidification of a solid polymer product occurs for the purpose of incorporating additives, colorants, or stabilizers); and extrusion and drawing operations (converting an already produced solid polymer into a different shape by melting or mixing the polymer and then forcing it or pulling it through an orifice to create an extruded product). An operation is subject if it involves processing with Table 1 HAP solvent or if an intended purpose of the operation is to remove residual Table 1 HAP monomer.
 - iv. Manufacture of chemicals classified in NAICS code 325222, 325314, 325413, or 325998.
- (3) Research and development facilities, as defined in CAA section 112(c)(7).
- (4) Quality assurance/quality control laboratories.
- (5) Ancillary activities, as defined in §63.11502(b).
- (6) Metal HAP in structures or existing as articles as defined in 40 CFR 372.3.
- (d) This subpart applies to each new or existing affected source. The affected source is the facility-wide collection of CMPUs and each heat exchange system and wastewater system associated with a CMPU that meets the criteria specified in paragraphs (a) and (b) of this section. A CMPU using only Table 1 organic HAP is required to control only total CAA section 112(b) organic HAP. A CMPU using only Table 1 metal HAP is required to control only total CAA section 112(b) metal HAP.
- (1) An affected source is an existing source if you commenced construction or reconstruction of the affected source before October 6, 2008.
 - (2) An affected source is a new source if you commenced construction or reconstruction of the affected source on or after October 6, 2008.
- (e) Any source that was a major source and installed a control device on a CMPU after November 15, 1990, and, as a result, became an area source under 40 CFR part 63 is required to obtain a permit under 40 CFR part 70 or 40 CFR part 71. Otherwise, you are exempt from the obligation to obtain a permit under 40 CFR part 70 or 40 CFR part 71, provided you are not otherwise required by law to obtain a permit under 40 CFR 70.3(a) or 40 CFR 71.3(a). Notwithstanding the previous sentence, you must continue to comply with the provisions of this subpart.
- (f) If you own or operate an existing affected source, you must achieve compliance with the applicable provisions in this subpart no later than October 29, 2012.
- (g) If you start up a new affected source on or before October 29, 2009, you must achieve compliance with the applicable provisions of this subpart no later than October 29, 2009.
- (h) If you start up a new affected source after October 29, 2009, you must achieve compliance with the provisions in this subpart upon startup of your affected source.

Subpart WWWW - National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Plating and Polishing Operations

(Keywords: Plating and Polishing, Electroplating)

§ 63.11504 Am I subject to this subpart?

- (a) You are subject to this subpart if you own or operate a plating and polishing facility that is an area source of hazardous air pollutant (HAP) emissions and meets the criteria specified in paragraphs (a)(1) through (3) of this section.
- (1) A plating and polishing facility is a plant site that is engaged in one or more of the processes listed in paragraphs (a)(1)(i) through (vi) of this section.
 - i. Electroplating other than chromium electroplating (i.e., non-chromium electroplating).
 - ii. Electroless or non-electrolytic plating.
 - iii. Other non-electrolytic metal coating processes, such as chromate conversion coating, nickel acetate sealing, sodium dichromate sealing, and manganese phosphate coating; and thermal spraying.
 - iv. Dry mechanical polishing of finished metals and formed products after plating or thermal spraying.
 - v. Electroforming.
 - vi. Electropolishing.
 - (2) A plating or polishing facility is an area source of HAP emissions, where an area source is any stationary source or group of stationary sources within a contiguous area under common control that does not have the potential to emit any single HAP at a rate of 9.07 megagrams per year (Mg/yr) (10 tons per year (tpy)) or more and any combination of HAP at a rate of 22.68 Mg/yr (25 tpy) or more.
 - (3) Your plating and polishing facility uses or has emissions of compounds of one or more plating and polishing metal HAP, which means any compound of any of the following metals: cadmium, chromium, lead, manganese, and nickel, as defined in §63.11511, "What definitions apply to this subpart?" With the exception of lead, plating and polishing metal HAP also include any of these metals in the elemental form.

Subpart XXXXXX - National Emission Standards for Hazardous Air Pollutants Area Source Standards for Nine Metal Fabrication and Finishing Source Categories

(Keywords: Metal Fabrication, Coating, Spray Painting, Welding, Abrasive Blasting, Grinding)

§ 63.11514 Am I subject to this subpart?

- (a) You are subject to this subpart if you own or operate an area source that is primarily engaged in the operations in one of the nine source categories listed in paragraphs (a)(1) through (9) of this section. Descriptions of these source categories are shown in Table 1 of this subpart. "Primarily engaged" is defined in §63.11522, "What definitions apply to this subpart?"
- (1) Electrical and Electronic Equipment Finishing Operations;
 - (2) Fabricated Metal Products;
 - (3) Fabricated Plate Work (Boiler Shops);
 - (4) Fabricated Structural Metal Manufacturing;
 - (5) Heating Equipment, except Electric;
 - (6) Industrial Machinery and Equipment Finishing Operations;
 - (7) Iron and Steel Forging;
 - (8) Primary Metal Products Manufacturing; and
 - (9) Valves and Pipe Fittings.

- (b) The provisions of this subpart apply to each new and existing affected source listed and defined in paragraphs (b)(1) through (5) of this section if you use materials that contain or have the potential to emit metal fabrication or finishing metal HAP (MFHAP), defined to be the compounds of cadmium, chromium, lead, manganese, and nickel, or any of these metals in the elemental form with the exception of lead. Materials that contain MFHAP are defined to be materials that contain greater than 0.1 percent for carcinogens, as defined by OSHA at 29 CFR 1910.1200(d)(4), and greater than 1.0 percent for noncarcinogens. For the MFHAP, this corresponds to materials that contain cadmium, chromium, lead, or nickel in amounts greater than or equal to 0.1 percent by weight (of the metal), and materials that contain manganese in amounts greater than or equal to 1.0 percent by weight (of the metal), as shown in formulation data provided by the manufacturer or supplier, such as the Material Safety Data Sheet for the material.
- (1) A dry abrasive blasting affected source is the collection of all equipment and activities necessary to perform dry abrasive blasting operations which use materials that contain MFHAP or that have the potential to emit MFHAP.
 - (2) A machining affected source is the collection of all equipment and activities necessary to perform machining operations which use materials that contain MFHAP, as defined in §63.11522, “What definitions apply to this subpart?”, or that have the potential to emit MFHAP.
 - (3) A dry grinding and dry polishing with machines affected source is the collection of all equipment and activities necessary to perform dry grinding and dry polishing with machines operations which use materials that contain MFHAP, as defined in §63.11522, “What definitions apply to this subpart?”, or have the potential to emit MFHAP.
 - (4) A spray painting affected source is the collection of all equipment and activities necessary to perform spray-applied painting operations using paints which contain MFHAP. A spray painting affected source includes all equipment used to apply cleaning materials to a substrate to prepare it for paint application (surface preparation) or to remove dried paint; to apply a paint to a substrate (paint application) and to dry or cure the paint after application; or to clean paint operation equipment (equipment cleaning). Affected source(s) subject to the requirements of this paragraph are not subject to the miscellaneous surface coating provisions of subpart HHHHHH of this part, “National Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources.”
 - (5) A welding affected source is the collection of all equipment and activities necessary to perform welding operations which use materials that contain MFHAP, as defined in §63.11522, “What definitions apply to this subpart?”, or have the potential to emit MFHAP.
- (c) An affected source is existing if you commenced construction or reconstruction of the affected source, as defined in §63.2, “General Provisions” to part 63, before April 3, 2008.
- (d) An affected source is new if you commenced construction or reconstruction of the affected source, as defined in §63.2, “General Provisions” to part 63, on or after April 3, 2008.
- (e) This subpart does not apply to research or laboratory facilities, as defined in section 112(c)(7) of the Clean Air Act (CAA).
- (f) This subpart does not apply to tool or equipment repair operations, facility maintenance, or quality control activities as defined in §63.11522, “What definitions apply to this subpart?”
- (g) This subpart does not apply to operations performed on site at installations owned or operated by the Armed Forces of the United States (including the Coast Guard and the National Guard of any such state), the National Aeronautics and Space Administration, or the National Nuclear Security Administration.

- (h) This subpart does not apply to operations that produce military munitions, as defined in §63.11522, “What definitions apply to this subpart?”, manufactured by or for the Armed Forces of the United States (including the Coast Guard and the National Guard of any such state), or equipment directly and exclusively used for the purposes of transporting military munitions.
- (i) You are exempt from the obligation to obtain a permit under 40 CFR part 70 or 40 CFR part 71, provided you are not otherwise required by law to obtain a permit under 40 CFR 70.3(a) or 40 CFR 71.3(a). Notwithstanding the previous sentence, you must continue to comply with the provisions of this subpart.

Subpart YYYYYY - National Emission Standards for Hazardous Air Pollutants for Area Sources: Ferroalloys Production Facilities

(Keywords: Ferroalloy Production, Silicon Metal, Electric Arc Furnace, Electrometallurgical)

§ 63.11524 Am I subject to this subpart?

- (a) You are subject to this subpart if you own or operate a ferroalloys production facility that is an area source of hazardous air pollutant (HAP) emissions. A ferroalloys production facility manufactures silicon metal, ferrosilicon, ferrotitanium using the aluminum reduction process, ferrovandium, ferromolybdenum, calcium silicon, silicomanganese zirconium, ferrochrome silicon, silvery iron, high-carbon ferrochrome, charge chrome, standard ferromanganese, silicomanganese, ferromanganese silicon, calcium carbide or other ferroalloy products using electrometallurgical operations including electric arc furnaces (EAFs) or other reaction vessels.
- (b) The provisions of this subpart apply to each existing and new electrometallurgical operation affected source as defined in paragraphs (b)(1) and (b)(2) of this section.
 - (1) An electrometallurgical operation affected source is existing if you commenced construction or reconstruction of the EAF or other reaction vessel on or before September 15, 2008.
 - (2) An electrometallurgical operation affected source is new if you commenced construction or reconstruction of the EAF or other reaction vessel after September 15, 2008.
- (c) This subpart does not apply to research or laboratory facilities as defined in section 112(c)(7) of the Clean Air Act (CAA).
- (d) You are exempt from the obligation to obtain a permit under 40 CFR part 70 or 40 CFR part 71, provided you are not otherwise required by law to obtain a permit under 40 CFR 70.3(a) or 40 CFR 71.3. Notwithstanding the previous sentence, you must continue to comply with the provisions of this subpart

Subpart ZZZZZZ - National Emission Standards for Hazardous Air Pollutants Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries

(Keywords: Aluminum Foundry, Copper Foundry, Nonferrous Foundry)

§ 63.11544 Am I subject to this subpart?

- (a) You are subject to this subpart if you own or operate an aluminum foundry, copper foundry, or other nonferrous foundry as defined in §63.11556, “What definitions apply to this subpart?” that is an area source of hazardous air pollutant (HAP) emissions as defined in §63.2 and meets the criteria specified in paragraphs (a)(1) through (4) of this section. Once you are subject to this subpart, you must remain subject to this subpart even if you subsequently do not meet the criteria in paragraphs (a)(1) through (4) of this section.
 - (1) Your aluminum foundry uses material containing aluminum foundry HAP, as defined in §63.11556, “What definitions apply to this subpart?”; or
 - (2) Your copper foundry uses material containing copper foundry HAP, as defined in §63.11556, “What definitions apply to this subpart?”; or

- (3) Your other nonferrous foundry uses material containing other nonferrous foundry HAP, as defined in §63.11556, “What definitions apply to this subpart?”.
- (4) Your aluminum foundry, copper foundry, or other nonferrous foundry has an annual metal melt production (for existing affected sources) or an annual metal melt capacity (for new affected sources) of at least 600 tons per year (tpy) of aluminum, copper, and other nonferrous metals, including all associated alloys. You must determine the annual metal melt production and capacity for the time period as described in paragraphs (a)(4)(i) through (iv) of this section. The quantity of ferrous metals melted in iron or steel melting operations and the quantity of nonferrous metal melted in non-foundry melting operations are not included in determining the annual metal melt production for existing affected sources or the annual metal melt capacity for new affected sources.
- i. If you own or operate a melting operation at an aluminum, copper or other nonferrous foundry as of February 9, 2009, you must determine if you are subject to this rule based on your facility's annual metal melt production for calendar year 2010.
 - ii. If you construct or reconstruct a melting operation at an aluminum, copper or other nonferrous foundry after February 9, 2009, you must determine if you are subject to this rule based on your facility's annual metal melt capacity at startup.
 - iii. If your foundry with an existing melting operation increases production after calendar year 2010 such that the annual metal melt production equals or exceeds 600 tpy, you must submit a written notification of applicability to the Administrator within 30 days after the end of the calendar year and comply within 2 years after the date of the notification.
 - iv. If your foundry with a new melting operation increases capacity after startup such that the annual metal melt capacity equals or exceeds 600 tpy, you must submit a written notification of applicability to the Administrator within 30 days after the capacity increase year and comply at the time of the capacity increase.
- (b) This subpart applies to each new or existing affected source located at an aluminum, copper or other nonferrous foundry that is an area source as defined by §63.2. The affected source is the collection of all melting operations located at an aluminum, copper, or other nonferrous foundry.
- (c) An affected source is an existing source if you commenced construction or reconstruction of the affected source on or before February 9, 2009.
- (d) An affected source is a new source if you commenced construction or reconstruction of the affected source after February 9, 2009.
- (e) This subpart does not apply to research or laboratory facilities, as defined in section 112(c)(7) of the Clean Air Act.
- (f) You are exempt from the obligation to obtain a permit under 40 CFR part 70 or 40 CFR part 71, provided you are not otherwise required to obtain a permit under 40 CFR 70.3(a) or 40 CFR 71.3(a) for a reason other than your status as an area source under this subpart. Notwithstanding the previous sentence, you must continue to comply with the provisions of this subpart applicable to area sources.

Subpart AAAAAAA - National Emission Standards for Hazardous Air Pollutants for Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing

(Keywords: Asphalt Processing, Asphalt Roofing)

§ 63.11559 Am I subject to this subpart?

- (a) You are subject to this subpart if you own or operate an asphalt processing operation and/or asphalt roofing manufacturing operation that is an area source of hazardous air pollutant (HAP) emissions, as defined in §63.2.
- (b) This subpart applies to each new or existing affected source as defined in paragraphs (b)(1) and (b)(2) of this section.
 - (1) Asphalt processing. The affected source for asphalt processing operations is the collection of all blowing stills, as defined in §63.11566, at an asphalt processing operation.
 - (2) Asphalt roofing manufacturing. The affected source for asphalt roofing manufacturing operations is the collection of all asphalt coating equipment, as defined in §63.11566, at an asphalt roofing manufacturing operation.
- (c) This subpart does not apply to hot mix asphalt plant operations that are used in the paving of roads or hardstand, or operations where asphalt may be used in the fabrication of a built-up roof.
- (d) An affected source is a new affected source if you commenced construction or reconstruction after July 9, 2009.
- (e) An affected source is reconstructed if it meets the criteria as defined in §63.2.
- (f) An affected source is an existing source if it is not new or reconstructed.
- (g) This subpart does not apply to research or laboratory facilities, as defined in section 112(c)(7) of the Clean Air Act.
- (h) You are exempt from the obligation to obtain a permit under 40 CFR part 70 or 40 CFR part 71, provided you are not otherwise required to obtain a permit under 40 CFR 70.3(a) or 40 CFR 71.3(a). Notwithstanding the previous sentence, you must continue to comply with the provisions of this subpart.

Subpart BBBBBBB - National Emission Standards for Hazardous Air Pollutants for Area Sources: Chemical Preparations Industry

(Keywords: Chemical Preparations)

§ 63.11579 Am I subject to this subpart?

- (a) You are subject to this subpart if you meet all of the following conditions:
 - (1) You own or operate a chemical preparations facility (as defined in §63.11588, “What definitions apply to this subpart?”),
 - (2) The chemical preparations facility is a stationary area source of hazardous air pollutants (HAP) (as defined in §63.2), and
 - (3) The chemical preparations facility has at least one chemical preparations operation in target HAP service (as defined in §63.11588, “What definitions apply to this subpart?”).
- (b) The affected source is all chemical preparations operations (as defined in §63.11588, “What definitions apply to this subpart?”) located at a facility that meets the criteria specified in paragraph (a) of this section.
 - (1) An affected source is existing if you commenced construction, as defined in §63.2, of the affected source before August 5, 2009.
 - (2) An affected source is new if you commenced construction or reconstruction, as defined in §63.2, of the affected source on or after August 5, 2009.
- (c) On and after December 30, 2009, if your chemical preparations operation becomes a major source, as defined in §63.2, you must continue to meet the requirements of this subpart in addition to any maximum achievable control technology standards which may apply at that time.
- (d) This subpart does not apply to research and development facilities, as defined in section 112(c)(7) of the Clean Air Act.

- (e) You are exempt from the obligation to obtain a permit under 40 CFR part 70 or 40 CFR part 71, provided you are not otherwise required by law to obtain a permit under 40 CFR 70.3(a) or 40 CFR 71.3(a). Notwithstanding the previous sentence, you must continuously comply with the provisions of this subpart.
- (f) You are exempt from the requirements specified in this subpart if the chemical preparations operations at your facility are subject to the requirements specified in subpart VVVVVV or subpart CCCCCC of this part.

Subpart CCCCCC - National Emission Standards for Hazardous Air Pollutants for Area Sources: Paints and Allied Products Manufacturing

(Keywords:)

§ 63.11599 Am I subject to this subpart?

- (a) You are subject to this subpart if you own or operate a facility that performs paints and allied products manufacturing that is an area source of hazardous air pollutant (HAP) emissions and processes, uses, or generates materials containing HAP, as defined in §63.11607.
- (b) The affected source consists of all paints and allied products manufacturing processes that process, use, or generate materials containing HAP at the facility.
 - (1) An affected source is existing if you commenced construction or reconstruction before June 1, 2009.
 - (2) An affected source is new if you commenced construction or reconstruction of the affected source on or after June 1, 2009.
 - (3) A facility becomes an affected source when you commence processing, using, or generating materials containing HAP, as defined in §63.11607.
- (c) You are exempt from the obligation to obtain a permit under 40 CFR part 70 or 40 CFR part 71, provided you are not otherwise required by law to obtain a permit under 40 CFR 70.3(a) or 40 CFR 71.3(a). Whether you have a title V permit or not, you must continue to comply with the provisions of this subpart.
- (d) An affected source is no longer subject to this subpart if the facility no longer processes, uses, or generates materials containing HAP and does not plan to process, use or generate materials containing HAP in the future.
- (e) The standards of this subpart do not apply to research and development facilities, as defined in section 112(c)(7) of the CAA

Subpart DDDDDDD - National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Prepared Feeds Manufacturing

(Keywords: Prepared Feeds Manufacturing, Animal Feeds Production)

§ 63.11619 Am I subject to this subpart?

- (a) You are subject to this subpart if you own or operate a prepared feeds manufacturing facility that uses a material containing chromium or a material containing manganese and is an area source of emissions of hazardous air pollutants (HAP).
- (b) The provisions of this subpart apply to each new and existing prepared feeds manufacturing affected source. A prepared feeds manufacturing affected source is the collection of all equipment and activities necessary to produce animal feed from the point in the process where a material containing chromium or a material containing manganese is added, to the point where the finished animal feed product leaves the facility. This includes, but is not limited to, areas where materials containing chromium and manganese are stored, areas where materials

containing chromium and manganese are temporarily stored prior to addition to the feed at the mixer, mixing and grinding processes, pelleting and pellet cooling processes, packing and bagging processes, crumblers and screens, bulk loading operations, and all conveyors and other equipment that transfer the feed materials throughout the manufacturing facility.

- (1) A prepared feeds manufacturing affected source is existing if you commenced construction or reconstruction of the facility on or before July 27, 2009.
 - (2) A prepared feeds manufacturing affected source is new if you commenced construction or reconstruction of the facility after July 27, 2009.
 - (3) A collection of equipment and activities necessary to produce animal feed at a prepared feeds manufacturing facility becomes an affected source when you commence using a material containing chromium or a material containing manganese.
- (c) An affected source is no longer subject to this subpart if the facility stops using materials containing chromium or manganese.
- (d) This subpart does not apply to the facilities identified in paragraphs (d)(1) and (2) of this section.
- (1) Prepared feeds manufacturing facilities that do not add any materials containing chromium or manganese to any product manufactured at the facility.
 - (2) Research or laboratory facilities as defined in section 112(c)(7) of the Clean Air Act (CAA).
- (e) You are exempt from the obligation to obtain a permit under 40 CFR part 70 or 40 CFR part 71, provided you are not otherwise required by law to obtain a permit under 40 CFR 70.3(a) or 40 CFR 71.3. Notwithstanding the previous sentence, you must continue to comply with the provisions of this subpart.

Subpart EEEEEEE - National Emission Standards for Hazardous Air Pollutants: Gold Mine Ore Processing and Production Area Source Category

(Keywords: Gold Mine Ore Processing and Production)

§ 63.11640 Am I subject to this subpart?

- (a) You are subject to this subpart if you own or operate a gold mine ore processing and production facility as defined in §63.11651, that is an area source.
- (b) This subpart applies to each new or existing affected source. The affected sources are each collection of “ore pretreatment processes” at a gold mine ore processing and production facility, each collection of “carbon processes with mercury retorts” at a gold mine ore processing and production facility, each collection of “carbon processes without mercury retorts” at a gold mine ore processing and production facility, and each collection of “non-carbon concentrate processes” at a gold mine ore processing and production facility, as defined in §63.11651.
 - (1) An affected source is existing if you commenced construction or reconstruction of the affected source on or before April 28, 2010.
 - (2) An affected source is new if you commenced construction or reconstruction of the affected source after April 28, 2010.
- (c) This subpart does not apply to research and development facilities, as defined in section 112(c)(7) of the Clean Air Act (CAA).
- (d) If you own or operate a source subject to this subpart, you must have or you must obtain a permit under 40 CFR part 70 or 40 CFR part 71.

Information for this Area Source MACT Outreach Tool was taken in part from the following websites:
<http://www.epa.gov/ttn/atw/eparules.html>

<http://www.tceq.state.tx.us/permitting/air/rules/federal/63/63hmpg.html>