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General provisions reference	Applicable to subpart HHH	Explanation
§63.15(a) and (b)	Yes.	

[77 FR 49597, Aug. 16, 2012]

Subpart III—National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production

SOURCE: 63 FR 53996, Oct. 7, 1998, unless otherwise noted.

§63.1290 Applicability.

(a) The provisions of this subpart apply to each new and existing flexible polyurethane foam or rebond foam process that meets the criteria listed in paragraphs (a)(1) through (3) of this section.

(1) Produces flexible polyurethane or rebond foam;

(2) Emits a HAP, except as provided in paragraph (c)(2) of this section; and

(3) Is located at a plant site that is a major source, as defined in §63.2 of subpart A.

(b) For the purpose of this subpart, an affected source includes all processes meeting the criteria in paragraphs (a)(1) through (a)(3) of this section that are located at a contiguous plant site, with the exception of those processes listed in paragraph (c) of this section.

(c) A process meeting one of the following criteria listed in paragraphs (c)(1) and (2) of this section shall not be subject to the provisions of this subpart:

(1) A process exclusively dedicated to the fabrication of flexible polyurethane foam; or

(2) A research and development process.

(d) *Applicability of this subpart.* (1) The emission limitations set forth in this subpart and the emission limitations referred to in this subpart shall apply at all times except during periods of non-operation of the affected source (or specific portion thereof) resulting in cessation of the emissions to which this subpart applies.

(2) Equipment leak requirements of §63.1294 shall apply at all times except during periods of non-operation of the affected source (or specific portion thereof) in which the lines are drained and depressurized resulting in cessation of the emissions to which the equipment leak requirements apply.

(3) The owner or operator shall not shut down items of equipment that are required or utilized for compliance with this subpart during times when emissions are being routed to such items of equipment if the shutdown would contravene requirements of this subpart applicable to such items of equipment.

(4) *General duty.* At all times, the owner or operator shall operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. The general duty to minimize emissions does not require the owner or operator to make any further efforts to reduce emissions if levels required by the applicable standard have been achieved. Determination of whether a source is operating in compliance with operation and maintenance requirements will be based on information available to the Administrator, which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.

[63 FR 53996, Oct. 7, 1998, as amended at 79 FR 48086, Aug. 15, 2014]

§63.1291 Compliance schedule.

(a) Existing affected sources shall be in compliance with all provisions of this subpart no later than October 8, 2001, with the exception of §63.1297. Affected sources subject to the requirements of §63.1297 shall be in compliance with the requirements of this section on or before November 13, 2014.

(b) New or reconstructed affected sources shall be in compliance with all provisions of this subpart upon initial startup.

[63 FR 53996, Oct. 7, 1998, as amended at 79 FR 48087, Aug. 15, 2014]

§ 63.1292 Definitions.

All terms used in this subpart shall have the meaning given them in the Act, in subpart A of this part, and in this section. If a term is defined in subpart A and in this section, it shall have the meaning given in this section for purposes of this subpart.

Auxiliary blowing agent, or ABA, means a low-boiling point liquid added to assist foaming by generating gas beyond that resulting from the isocyanate-water reaction.

Breakthrough means that point in the adsorption step when the mass transfer zone (i.e., the section of the carbon bed where the HAP is removed from the carrier gas stream) first reaches the carbon bed outlet as the mass transfer zone moves down the bed in the direction of flow. The breakthrough point is characterized by the beginning of a sharp increase in the outlet HAP or organic compound concentration.

Calibrate means to verify the accuracy of a measurement device against a known standard. For the purpose of this subpart, there are two levels of calibration. The initial calibration includes the verification of the accuracy of the device over the entire operating range of the device. Subsequent calibrations can be conducted for a point or several points in a limited range of operation that represents the most common operation of the device.

Canned motor pump means a pump with interconnected cavity housings, motor rotors, and pump casing. In a canned motor pump, the motor bearings run in the process liquid and all seals are eliminated.

Carbon adsorption system means a system consisting of a tank or container that contains a specific quantity of activated carbon. For the purposes of this subaprt, a carbon adsorption system is used as a control device for storage vessels. Typically, the spent carbon bed does not undergo regeneration, but is replaced.

Connector means flanged, screwed, or other joined fittings used to connect two pipe lines or a pipe line and a piece of equipment. A common connector is a flange. Joined fittings welded completely around the circumference of the interface are not considered to be connectors for the purposes of this subpart.

Cured foam means flexible polyurethane foam with fully developed physical properties. A period of 12 to 24 hours from pour is typically required to completely cure foam, although mechanical or other devices are sometimes used to accelerate the curing process.

Curing area means the area in a slabstock foam production facility where foam buns are allowed to fully develop physical properties.

Diaphragm pump means a pump where the driving member is a flexible diaphragm made of metal, rubber, or plastic. In a diaphragm pump, there is no packing or seals that are exposed to the process liquid.

Diisocyanate means a compound containing two isocyanate groups per molecule. The most common diisocyanate compounds used in the flexible polyurethane foam industry are toluene diisocyanate (TDI) and methylene diphenyl diisocyanate (MDI).

Flexible polyurethane foam means a flexible cellular polymer containing urea and carbamate linkages in the chain backbone produced by reacting a diisocyanate, polyol, and water. Flexible polyurethane foams are open-celled, permit the passage of air through the foam, and possess the strength and flexibility to allow repeated distortion or compression under stress with essentially complete recovery upon removal of the stress.

Flexible polyurethane foam process means the equipment used to produce a flexible polyurethane foam product. For the purpose of this subpart, the flexible polyurethane foam process includes raw material storage; production equipment and associated piping, ductwork, etc.; and curing and storage areas.

Foam fabrication process means an operation for cutting or bonding flexible polyurethane foam pieces together or to other substrates.

Grade of foam means foam with a distinct combination of indentation force deflection (IFD) and density values.

HAP ABA means methylene chloride, or any other HAP compound used as an auxiliary blowing agent.

HAP-based means to contain 5 percent (by weight) or more of HAP. This applies to equipment cleaners, mixhead flushes, mold release agents and ABA.

In diisocyanate service means a piece of equipment that contains or contacts a diisocyanate.

Initial startup means the first time a new or reconstructed affected source begins production of flexible polyurethane foam.

Isocyanate means a reactive chemical grouping composed of a nitrogen atom bonded to a carbon atom bonded to an oxygen atom; or a chemical compound, usually organic, containing one or more isocyanate groups.

Magnetic drive pump means a pump where an externally-mounted magnet coupled to the pump motor drives the impeller in the pump casing. In a magnetic drive pump, no seals contact the process fluid.

Metering pump means a pump used to deliver reactants, ABA, or additives to the mixhead.

Mixhead means a device that mixes two or more component streams before dispensing foam producing mixture to the desired container.

Molded flexible polyurethane foam means a flexible polyurethane foam that is produced by shooting the foam mixture into a mold of the desired shape and size.

Mold release agent means any material which, when applied to the mold surface, serves to prevent sticking of the foam part to the mold.

Plant site means all contiguous or adjoining property that is under common control, including properties that are separated only by a road or other public right-of-way. Common control includes properties that are owned, leased, or otherwise operated by the same entity, parent entity, subsidiary, or any combination thereof.

Polyol, for the purpose of this subpart, means a polyether or polyester polymer with more than one reactive hydroxyl group attached to the molecule.

Rebond foam means the foam resulting from a process of adhering small particles of foam (usually scrap or recycled foam) together to make a usable cushioning product. Various adhesives and bonding processes are used. A typical application for rebond foam is for carpet underlay.

Rebond foam process means the equipment used to produce a rebond foam product. For the purpose of this subpart, the rebond foam process includes raw material storage; production equipment and associated piping, ductwork, etc.; and curing and storage areas.

Reconstructed source means an affected source undergoing reconstruction, as defined in subpart A of this part. For the purposes of this subpart, process modifications made to stop using HAP ABA or HAP-based ABA to meet the requirements of this subpart shall not be counted in determining whether or not a change or replacement meets the definition of reconstruction.

Research and development process means a laboratory or pilot plant operation whose primary purpose is to conduct research and development into new processes and products, where the operations are under the close supervision of technically trained personnel, and which is not engaged in the manufacture of products for commercial sale except in a de minimis manner.

Sealless pump means a canned-motor pump, diaphragm pump, or magnetic drive pump, as defined in this section.

Slabstock flexible polyurethane foam means flexible polyurethane foam that is produced in large continuous buns that are then cut into the desired size and shape.

Slabstock flexible polyurethane foam production line includes all portions of the flexible polyurethane foam process from the mixhead to the point in the process where the foam is completely cured.

Storage vessel means a tank or other vessel that is used to store diisocyanates for use in the production of flexible polyurethane foam. Storage vessels do not include vessels with capacities smaller than 38 cubic meters (or 10,000 gallons).

Transfer pump means all pumps used to transport diisocyanates that are not metering pumps.

[63 FR 53996, Oct. 7, 1998, as amended at 79 FR 48087, Aug. 15, 2014]

§ 63.1293 Standards for slabstock flexible polyurethane foam production.

Each owner or operator of a new or existing slabstock affected source shall comply with §§ 63.1294, 63.1297, and 63.1298.

[79 FR 48087, Aug. 15, 2014]

§ 63.1294 Standards for slabstock flexible polyurethane foam production—diisocyanate emissions.

Each new and existing slabstock affected source shall comply with the provisions of this section.

(a) *Diisocyanate storage vessels.* Diisocyanate storage vessels shall be equipped with either a system meeting the requirements in paragraph (a)(1) of this section, or a carbon adsorption system meeting the requirements of paragraph (a)(2) of this section.

(1) The storage vessel shall be equipped with a vapor return line from the storage vessel to the tank truck or rail car that is connected during unloading.

(i) During each unloading event, the vapor return line shall be inspected for leaks by visual, audible, or an instrumental detection method.

(ii) When a leak is detected, it shall be repaired as soon as practicable, but not later than the subsequent unloading event.

(2) The storage vessel shall be equipped with a carbon adsorption system, meeting the monitoring requirements of § 63.1303(a), that routes displaced vapors through activated carbon before being discharged to the atmosphere. The owner or operator shall replace the existing carbon with fresh carbon upon indication of breakthrough before the next unloading event.

(b) *Transfer pumps in diisocyanate service.* Each transfer pump in diisocyanate service shall meet the requirements of paragraph (b)(1) or (b)(2) of this section.

(1) The pump shall be a sealless pump; or

(2) The pump shall be a submerged pump system meeting the requirements in paragraphs (b)(2)(i) through (iii) of this section.

(i) The pump shall be completely immersed in bis(2-ethylhexyl)phthalate (DEHP, CAS #118–81–7), 2(methyloctyl)phthalate (DINP, CAS #68515–48–0), or another neutral oil.

(ii) The pump shall be visually monitored weekly to detect leaks.

(iii) When a leak is detected, it shall be repaired in accordance with the procedures in paragraphs (b)(2)(iii)(A) and (B) of this section, except as provided in paragraph (d) of this section.

(A) The leak shall be repaired as soon as practicable, but not later than 15 calendar days after it is detected.

(B) A first attempt at repair shall be made no later than 5 calendar days after the leak is detected. First attempts at repair include, but are not limited to, the following practices where practicable:

(*1*) Tightening of packing gland nuts.

(*2*) Ensuring that the seal flush is operating at design pressure and temperature.

(c) *Other components in diisocyanate service.* If evidence of a leak is found by visual, audible, or an instrumental detection method, it shall be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in paragraph (d) of this section. The first attempt at repair shall be made no later than 5 calendar days after each leak is detected.

(d) *Delay of repair.* (1) Delay of repair of equipment for which leaks have been detected is allowed for equipment that is isolated from the process and that does not remain in diisocyanate service.

(2) Delay of repair for valves and connectors is also allowed if:

(i) The owner or operator determines that diisocyanate emissions of purged material resulting from immediate repair are greater than the fugitive emissions likely to result from delay of repair, and

(ii) The purged material is collected and destroyed or recovered in a control device when repair procedures are effected, and

(iii) Repair is completed as soon as practicable, but not later than 6 months after the leak was detected.

(3) Delay of repair for pumps is also allowed if repair requires replacing the existing seal design with a sealless pump, and repair is completed as soon as practicable, but not later than 6 months after the leak was detected.

[63 FR 53996, Oct. 7, 1998, as amended at 79 FR 48087, Aug. 15, 2014]

§§ 63.1295–63.1296 [Reserved]

§ 63.1297 Standards for slabstock flexible polyurethane foam production—HAP ABA.

Each owner or operator of a new or existing slabstock affected source shall not use HAP or a HAP-based material as an ABA.

[79 FR 48087, Aug. 15, 2014]

§ 63.1298 Standards for slabstock flexible polyurethane foam production—HAP emissions from equipment cleaning.

Each owner or operator of a new or existing slabstock affected source shall not use HAP or a HAP-based material as an equipment cleaner.

[79 FR 48087, Aug. 15, 2014]

§ 63.1299 [Reserved]

§ 63.1300 Standards for molded flexible polyurethane foam production.

Each owner or operator of a new or existing molded affected source shall comply with the provisions in paragraphs (a) and (b) of this section.

(a) A HAP or HAP-based material shall not be used as an equipment cleaner to flush the mixhead, nor shall it be used elsewhere as an equipment cleaner in a molded flexible polyurethane foam process, with the following exception. Diisocyanates may be used to flush the mixhead and associated piping during periods of startup or maintenance, provided that the diisocyanate compounds are contained in a closed-loop system and are re-used in production.

(b) A HAP-based mold release agent shall not be used in a molded flexible polyurethane foam source process.

§ 63.1301 Standards for rebond foam production.

Each owner or operator of a new or existing rebond foam affected source shall comply with the provisions in paragraphs (a) and (b) of this section.

(a) A HAP or HAP-based material shall not be used as an equipment cleaner at a rebond foam source.

(b) A HAP-based mold release agent shall not be used in a rebond foam source.

§ 63.1302 Applicability of subpart A requirements.

The owner or operator of an affected source shall comply with the applicable requirements of subpart A of this part, as specified in Table 1 of this subpart.

[79 FR 48087, Aug. 15, 2014]

§ 63.1303 Monitoring requirements.

Owners and operators of affected sources shall comply with each applicable monitoring provision in this section.

(a) *Monitoring requirements for storage vessel carbon adsorption systems.* Each owner or operator using a carbon adsorption system to meet the requirements of §63.1294(a) shall monitor the concentration level of the HAP or the organic compounds in the exhaust vent stream (or outlet stream exhaust) from the carbon adsorption system at the frequency specified in paragraph (a)(1) or (2) of this section.

(1) The concentration level of HAP or organic compounds shall be monitored during each unloading event, or once per month during an unloading event if multiple unloading events occur in a month.

(2) As an alternative to monthly monitoring, the owner or operator can set the monitoring frequency at an interval no greater than 20 percent of the carbon replacement interval, which is established using a design analysis described below in paragraphs (a)(1)(i) through (iii) of this section.

(i) The design analysis shall consider the vent stream composition, constituent concentration, flow rate, relative humidity, and temperature.

(ii) The design analysis shall establish the outlet organic concentration

level, the capacity of the carbon bed, and the working capacity of activated carbon used for the carbon bed, and

(iii) The design analysis shall establish the carbon replacement interval based on the total carbon working capacity of the carbon adsorption system and the schedule for filling the storage vessel.

(b) Each owner or operator using a carbon adsorption system to meet the requirements of § 63.1294(a) shall monitor the concentration level of total organic compounds in the exhaust vent stream (or outlet stream exhaust) from the carbon adsorption system using 40 CFR part 60, Appendix A, Method 25A, reported as propane. The measurement shall be conducted over at least one 5-minute interval during which the storage vessel is being filled.

[63 FR 53996, Oct. 7, 1998, as amended at 79 FR 48087, Aug. 15, 2014]

§ 63.1304 [Reserved]

§ 63.1305 Alternative means of emission limitation.

An owner or operator of an affected source may request approval to use an alternative means of emission limitation, following the procedures in this section.

(a) The owner or operator can request approval to use an alternative means of emission limitation in the precompliance report for existing sources, the application for construction or reconstruction for new sources, or at any time.

(b) This request shall include a complete description of the alternative means of emission limitation.

(c) Each owner or operator applying for permission to use an alternative means of emission limitation under § 63.6(g) shall be responsible for collecting and verifying data to demonstrate the emission reduction achieved by the alternative means of emission limitation.

(d) Use of the alternative means of emission limitation shall not begin until approval is granted by the Administrator in accordance with § 63.6(g).

§ 63.1306 Reporting requirements.

Owners and operators of affected sources shall comply with each applicable reporting provision in this section.

(a) *Initial notification.* Each affected source shall submit an initial notification in accordance with § 63.9(b).

(b) *Application for approval of construction or reconstruction.* Each owner or operator shall submit an application for approval of construction or reconstruction in accordance with the provisions of § 63.5(d).

(c) *Notification of compliance status.* Each affected source shall submit a notification of compliance status report no later than 180 days after the compliance date. For slabstock affected sources, this report shall contain the information listed in paragraphs (c)(1) through (3) of this section, as applicable. This report shall contain the information listed in paragraph (c)(4) of this section for molded foam processes and in paragraph (c)(5) of this section for rebond foam processes.

(1) A list of diisocyanate storage vessels, along with a record of the type of control utilized for each storage vessel.

(2) For transfer pumps in diisocyanate service, a record of the type of control utilized for each transfer pump.

(3) A statement that the slabstock foam affected source is in compliance with §§ 63.1297 and 63.1298, or a statement that slabstock foam processes at an affected source are in compliance with §§ 63.1297 and 63.1298.

(4) A statement that the molded foam affected source is in compliance with § 63.1300, or a statement that molded foam processes at an affected source are in compliance with § 63.1300.

(5) A statement that the rebond foam affected source is in compliance with § 63.1301, or that rebond processes at an affected source are in compliance with § 63.1301.

(d) *Semiannual reports.* Each slabstock affected source shall submit a report containing the information specified in paragraphs (d)(1) through (3) of this section semiannually no later than 60 days after the end of each 180 day period. The first report shall be submitted no later than 240 days after the

date that the Notification of Compliance Status is due and shall cover the 6-month period beginning on the date that the Notification of Compliance Status Report is due.

(1) For sources complying with the storage vessel provisions of § 63.1294(a) using a carbon adsorption system, unloading events that occurred after breakthrough was detected and before the carbon was replaced.

(2) Any equipment leaks that were not repaired in accordance with §§ 63.1294(b)(2)(iii) and 63.1294(c).

(3) Any leaks in vapor return lines that were not repaired in accordance with § 63.1294(a)(1)(ii).

(e) *Annual compliance certifications.* Each affected source subject to the provisions in §§ 63.1293 through 63.1301 shall submit a compliance certification annually.

(1) The compliance certification shall be based on information consistent with that contained in § 63.1308, as applicable.

(2) A compliance certification required pursuant to a state or local operating permit program may be used to satisfy the requirements of this section, provided that the compliance certification is based on information consistent with that contained in § 63.1308, and provided that the Administrator has approved the state or local operating permit program under part 70 of this chapter.

(3) Each compliance certification submitted pursuant to this section shall be signed by a responsible official of the company that owns or operates the affected source.

(f) *Malfunction reports.* If a source fails to meet an applicable standard, slabstock affected sources shall report such events in the next semiannual report and molded and rebond affected sources shall report such events in the next annual compliance certification. Report the number of failures to meet an applicable standard. For each instance, report the date, time and duration of each failure. For each failure, the report shall include a list of the affected sources or equipment, an estimate of the volume of each regulated pollutant emitted over any emission limit, and a description of the method used to estimate the emissions.

(g) Within 60 days after the date of completing each performance test (as defined in § 63.2) required by this subpart, you shall submit the results of the performance tests, including any associated fuel analyses, following the procedure specified in either paragraph (g)(1) or (g)(2) of this section.

(1) For data collected using test methods supported by the EPA's Electronic Reporting Tool (ERT) as listed on the EPA's ERT Web site (*http://www.epa.gov/ttn/chief/ert/index.html*),, the owner or operator shall submit the results of the performance test to the EPA via the Compliance and Emissions Data Reporting Interface (CEDRI), (CEDRI can be accessed through the EPA's Central Data Exchange (CDX) (*http://cdx.epa.gov/epa_home.asp*). Performance test data shall be submitted in a file format generated through the use of the EPA's ERT. Alternatively, the owner or operator may submit performance test data in an electronic file format consistent with the extensible markup language (XML) schema listed on the EPA's ERT Web site, once the XML schema is available. Owners or operators, who claim that some of the information being submitted for performance tests is confidential business information (CBI), shall submit a complete file generated through the use of the EPA's ERT or an alternate electronic file consistent with the XML schema listed on the EPA's ERT Web site, including information claimed to be CBI, on a compact disk, flash drive or other commonly used electronic storage media to the EPA. The electronic media shall be clearly marked as CBI and mailed to U.S. EPA/OAQPS/CORE CBI Office, Attention: WebFIRE Administrator, MD C404–02, 4930 Old Page Rd., Durham, NC 27703. The same ERT or alternate file with the CBI omitted shall be submitted to the EPA via the EPA's CDX as described earlier in this paragraph.

(2) For data collected using test methods that are not supported by the EPA's ERT as listed on the EPA's ERT Web site, the owner or operator shall submit the results of the performance test to the Administrator at the appropriate address listed in § 63.13.

[63 FR 53996, Oct. 7, 1998, as amended at 79 FR 48088, Aug. 15, 2014]

§ 63.1307 Recordkeeping requirements.

The applicable records designated in paragraphs (a) through (c) of this section shall be maintained by owners and operators of all affected sources.

(a) *Storage vessel records.* (1) A list of diisocyanate storage vessels, along with a record of the type of control utilized for each storage vessel.

(2) For storage vessels complying through the use of a carbon adsorption system, paragraphs (a)(2)(i) or (ii), and paragraph (a)(2)(iii) of this section.

(i) Records of dates and times when the carbon adsorption system is monitored for carbon breakthrough and the monitoring device reading, when the device is monitored in accordance with § 63.1303(a); or

(ii) For affected sources monitoring at an interval no greater than 20 percent of the carbon replacement interval, in accordance with § 63.1303(a)(2), the records listed in paragraphs (a)(2)(ii)(A) and (B) of this section.

(iii) Date when the existing carbon in the carbon adsorption system is replaced with fresh carbon.

(3) For storage vessels complying through the use of a vapor return line, paragraphs (a)(3)(i) through (iii) of this section.

(i) Dates and times when each unloading event occurs and each inspection of the vapor return line for leaks occurs.

(ii) Records of dates and times when a leak is detected in the vapor return line.

(iii) Records of dates and times when a leak is repaired.

(b) *Equipment leak records.* (1) A list of components in diisocyanate service.

(2) For transfer pumps in diisocyanate service, a record of the type of control utilized for each transfer pump and the date of installation.

(3) When a leak is detected as specified in §§ 63.1294(b)(2)(ii) and 63.1294(c), the requirements listed in paragraphs (b)(3)(i) and (ii) of this section apply:

(i) Leaking equipment shall be identified in accordance with the requirements in paragraphs (b)(3)(i)(A) and (B) of this section.

(A) A readily visible identification, marked with the equipment identification number, shall be attached to the leaking equipment.

(B) The identification on equipment may be removed after it has been repaired.

(ii) The information in paragraphs (b)(2)(ii)(A) through (G) shall be recorded for leaking components.

(A) The operator identification number and the equipment identification number.

(B) The date the leak was detected and the dates of each attempt to repair the leak.

(C) Repair methods applied in each attempt to repair the leak.

(D) The words "repair delayed" and the reason for the delay if a leak is not repaired within 15 calendar days after discovery of the leak.

(E) The expected date of the successful repair of the leak if a leak is not repaired within 15 calendar days.

(F) The date of successful repair of the leak.

(G) The date the identification is removed.

(c) The owner or operator of an affected source subject to § 63.1297 shall maintain a product data sheet for each ABA used which includes the HAP content, in kg of HAP/kg solids (lb HAP/lb solids).

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

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

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

(g) The owner or operator of an affected source subject to § 63.1300 or

§ 63.1301 of this subpart shall maintain a product data sheet for each mold release agent used that includes the HAP content, in kg of HAP/kg solids (lb HAP/lb solids), of each mold release agent.

(h) *Malfunction records.* Records shall be kept as specified in paragraphs (h)(1) through (3) of this section for affected sources. Records are not required for emission points that do not require control under this subpart.

(1) In the event that an affected unit fails to meet an applicable standard, record the number of failures. For each failure, record the date, time and duration of the failure.

(2) For each failure to meet an applicable standard, record and retain a list of the affected sources or equipment, an estimate of the volume of each regulated pollutant emitted over any emission limit and a description of the method used to estimate the emissions.

(3) Record actions taken to minimize emissions in accordance with § 63.1290(d) and any corrective actions taken to return the affected unit to its normal or usual manner of operation.

[63 FR 53996, Oct. 7, 1998, as amended at 79 FR 48088, Aug. 15, 2014]

§ 63.1308 Compliance demonstrations.

(a) For each affected source, compliance with the requirements described in Tables 2 and 3 of this subpart shall mean compliance with the requirements contained in §§ 63.1293 through 63.1301, absent any credible evidence to the contrary.

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

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

(b) *All slabstock affected sources.* For slabstock affected sources, failure to meet the requirements contained in § 63.1294 shall be considered a violation of this subpart. Violation of each item listed in the paragraphs (b)(1) through (b)(6) of this section, as applicable, shall be considered a separate violation.

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

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

(3) For each affected source complying with § 63.1294(a) in accordance with § 63.1294(a)(2) through the alternative monitoring procedures in § 63.1303(a)(2), each unloading event that the diisocyanate storage vessel is not equipped with a carbon adsorption system, each time that the carbon adsorption system is not monitored for breakthrough in accordance with § 63.1303(b)(1) or (2) at the interval established in the design analysis, and each unloading event that occurs when the carbon is not replaced after an indication of breakthrough;

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

(5) For each affected source complying with § 63.1294(b) in accordance with § 63.1294(b)(2), each calendar day that a transfer pump in diisocyanate service is not submerged as described in § 63.1294(b)(2)(i), each week that the pump is not visually monitored for leaks, each calendar day after 5 calendar days after detection of a leak that a first attempt at repair has not been made in accordance with § 63.1294(b)(2)(iii)(B), and the earlier of each calendar day after 15 calendar

days after detection of a leak that a leak is not repaired, or a leak is not repaired as soon as practicable, each subsequent calendar day (with the exception of situations meeting the criteria of § 63.1294(d));

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

(c) *Slabstock affected sources.* For slabstock foam affected sources, failure to meet the requirements contained in §§ 63.1297 and 63.1298, respectively, shall be considered a violation of this subpart. Violation of each item listed in the following paragraphs shall be considered a separate violation.

(1) For each slabstock foam affected source subject to the provisions in § 63.1297, each calendar day that a HAP ABA or HAP-based material is used as an ABA;

(2) For each slabstock foam affected source subject to the provisions of § 63.1298, each calendar day that a HAP-based material is used as an equipment cleaner.

(d) *Molded and rebond foam affected sources.* For molded and rebond foam affected sources, failure to meet the requirements contained in § 63.1300 and § 63.1301, respectively, shall be considered a violation of this subpart. Violation of each item listed in the following paragraphs shall be considered a separate violation.

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

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

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

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

[63 FR 53996, Oct. 7, 1998, as amended at 79 FR 48089, Aug. 15, 2014]

§ 63.1309 Implementation and enforcement.

(a) This subpart can be implemented and enforced by the U.S. EPA, or a delegated authority such as the applicable State, local, or Tribal agency. If the U.S. EPA Administrator has delegated authority to a State, local, or Tribal agency, then that agency, in addition to the U.S. EPA, has the authority to implement and enforce this subpart. Contact the applicable U.S. EPA Regional Office to find out if implementation and enforcement of this subpart is delegated to a State, local, or Tribal agency.

(b) In delegating implementation and enforcement authority of this subpart to a State, local, or Tribal agency under subpart E of this part, the authorities contained in paragraph (c) of this section are retained by the Administrator of U.S. EPA and cannot be transferred to the State, local, or Tribal agency.

(c) The authorities that cannot be delegated to State, local, or Tribal agencies are as specified in paragraphs (c)(1) through (5) of this section.

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

(2) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f), as defined in § 63.90, and as required in this subpart.

(3) Approval of major alternatives to monitoring under § 63.8(f), as defined in § 63.90, and as required in this subpart.

(4) Approval of major alternatives to recordkeeping and reporting under § 63.10(f), as defined in § 63.90, and as required in this subpart.

[68 FR 37357, June 23, 2003, as amended at 79 FR 48089, Aug. 15, 2014]

APPENDIX TO SUBPART III OF PART 63—TABLES: NOTE

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

TABLE 1 TO SUBPART III OF PART 63—APPLICABILITY OF GENERAL PROVISIONS (40 CFR PART 63, SUBPART A) TO SUBPART III

Subpart A reference	Applies to subpart III	Comment
§63.1	YES	Except that §63.1(c)(2) is not applicable to the extent area sources are not subject to subpart III.
§63.2	YES	Definitions are modified and supplemented by §63.1292.
§63.3	YES	
§63.4	YES	
§63.5	YES	
§63.6(a)–(d)	YES	
§63.6(e)(1)(i)	NO	See §63.1290(d)(4) for general duty requirement.
§63.6(e)(1)(ii)	NO	
§63.6(e)(1)(iii)	YES	
§63.6(e)(2)–(3)	NO	
§63.6(f)(1)	NO	
§63.6(f)(2)–(3)	YES	
§63.6(g)	YES	
§63.6(h)	NO	Subpart III does not require opacity and visible emission standards.
§63.6 (i)–(j)	YES	
§63.7	NO	Performance tests not required by subpart III.
§63.8	NO	Continuous monitoring, as defined in subpart A, is not required by subpart III.
§63.9 (a)–(d)	YES	
§63.9 (e)–(g)	NO	
§63.9(h)	NO	Subpart III specifies Notification of Compliance Status requirements.
§63.9 (i)–(j)	YES	
§63.10(a)	YES	
§63.10(b)(1)	YES	
§63.10(b)(2)(i)	NO	
§63.10(b)(2)(ii)	NO	See §63.1307(h) for recordkeeping of (1) date, time and duration; (2) listing of affected source or equipment and an estimate of the volume of each regulated pollutant emitted over the standard; and (3) actions to minimize emissions and any actions taken at the discretion of the owner or operator to prevent recurrence of the failure to meet an applicable requirement.
§63.10(c)	NO	
§63.10(d)(1)	YES	
§63.10 (d) (2)–(3)	NO	
§63.10(d)(4)	YES	
§63.10(d)(5)	NO	See §63.1306(f) for malfunction reporting requirements.
§63.10(e)	NO	
§63.10(f)	YES	
§63.11	YES	
§63.12	YES	
§63.13	YES	
§63.14	YES	
§63.15	YES	

[63 FR 53996, Oct. 7, 1998, as amended at 79 FR 48088, Aug. 15, 2014]

TABLE 3 TO SUBPART III OF PART 63—COMPLIANCE REQUIREMENTS FOR SLABSTOCK FOAM PRODUCTION AFFECTED SOURCES

Emission point	Emission point compliance option	Emission, work practice, and equipment standards	Monitoring	Recordkeeping	Reporting
Diisocyanate storage vessels §63.1294(a)	Vapor balance	§63.1294(a)(1) and (1)(ii).	§63.1294(a)(1)(i)	§63.1307(a)(1) and (4).	§63.1306(e)(5).
	Carbon adsorber	§63.1294(a)(2)	§63.1303(a)(1), (3), and (4).	§63.1307(a)(1), (3)(i), and (3)(iii).	§63.1306(e)(3).
	Carbon adsorber—alternative monitoring.	§63.1294(a)(2)	§63.1303(a)(2), (3) and (4).	§63.1307(a)(1), (3)(ii), and (3)(iii).	§63.1306(e)(3).
Diisocyanate transfer pumps §63.1294(b)	Sealless pump	§63.1294(b)(1)		§63.1307 (b)(1)(i) and (2).	
	Submerged pump	§63.1294(b)(2)(i) and (iii).	§63.1294 (b)(2)(ii)	§63.1307 (b)(1)(i), (2), and (3).	§63.1306(e)(4).
Other components in diisocyanate service §63.1294(c).	N/A	§63.1294(c)	§63.1294(c)	§63.1307 (b)(1)(i) and (3).	§63.1306(e)(4).
ABAs §63.1297	N/A	§63.1297		§63.1307(e)	
Equipment Cleaning §63.1298.	N/A	§63.1298		§63.1307(e)	

[63 FR 53996, Oct. 7, 1998, as amended at 79 FR 48090, Aug. 15, 2014]

TABLE 3 TO SUBPART III OF PART 63—COMPLIANCE REQUIREMENTS FOR MOLDED AND REBOND FOAM PRODUCTION AFFECTED SOURCES

Emission point	Emission point compliance option	Emission, work practice, and equipment standards	Monitoring	Recordkeeping	Reporting
Molded Foam					
Equipment cleaning	N/A	§63.1300(a)		§63.1307(g)	
Mold release agent	N/A	§63.1300(b)		§63.1307 (h)	
Rebond Foam					
Equipment cleaning	N/A	§63.1301(a)		§63.1307 (g)	
Mold release agent	N/A	§63.1301(b)		§63.1307 (h)	

[63 FR 53996, Oct. 7, 1998, as amended at 79 FR 48090, Aug. 15, 2014]

Subpart JJJ—National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins

SOURCE: 61 FR 48229, Sept. 12, 1996, unless otherwise noted.

§63.1310 Applicability and designation of affected sources.

(a) *Definition of affected source.* The provisions of this subpart apply to each affected source. Affected sources are described in paragraphs (a)(1) through (a)(4) of this section.

(1) An affected source is either an existing affected source or a new affected source. Existing affected source is defined in paragraph (a)(2) of this section, and new affected source is defined in paragraph (a)(3) of this section.

(2) An existing affected source is defined as each group of one or more thermoplastic product process units (TPPU) and associated equipment, as listed in paragraph (a)(4) of this section that is not part of a new affected source, as defined in paragraph (a)(3) of this section, that is manufacturing the same primary product, and that is located at a plant site that is a major source.

(3) A new affected source is defined by the criteria in paragraph (a)(3)(i), (a)(3)(ii), or (a)(3)(iii) of this section. The situation described in paragraph (a)(3)(i) of this section is distinct from