

**Environmental Protection Agency**

**§ 63.8680**

Citation	Subject	Brief description	Applies to subpart KKKKK?
§ 63.10(a)	Recordkeeping/Reporting.	Applicability; general information	Yes.
§ 63.10(b)(1)	General Recordkeeping Requirements.	General requirements	Yes.
§ 63.10(b)(2)(i)	Records Related to SSM.	Recordkeeping of occurrence and duration of startups and shutdowns.	No.
§ 63.10(b)(2)(ii)	Records Related to SSM.	Recordkeeping of failures to meet a standard.	No. See § 63.8640(c)(2) 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 correct the failure.
§ 63.10(b)(2)(iii)	Records Related to SSM.	Maintenance records	Yes.
§ 63.10(b)(2)(iv)–(v)	Records Related to SSM.	Actions taken to minimize emissions during SSM.	No.
§ 63.10(b)(2)(vi)–(xii) and (xiv)	CMS Records	Records when CMS is malfunctioning, inoperative or out-of-control.	Yes.
§ 63.10(b)(2)(xiii)	Records	Records when using alternative to relative accuracy test.	No, not applicable.
§ 63.10(b)(3)	Records	Applicability Determinations	Yes.
§ 63.10(c)(1)–(15)	Records	Additional records for CMS	No, §§ 63.8575 and 63.8640 specify requirements.
§ 63.10(d)(1) and (2)	General Reporting Requirements.	Requirements for reporting; performance test results reporting.	Yes.
§ 63.10(d)(3)	Reporting Opacity or VE Observations.	Requirements for reporting opacity and VE.	No, not applicable.
§ 63.10(d)(4)	Progress Reports	Must submit progress reports on schedule if under compliance extension.	Yes.
§ 63.10(d)(5)	SSM Reports	Contents and submission	No. See § 63.8635(c)(8) for malfunction reporting requirements.
§ 63.10(e)(1)–(3)	Additional CMS Reports.	Requirements for CMS reporting	No, §§ 63.8575 and 63.8635 specify requirements.
§ 63.10(e)(4)	Reporting COMS data.	Requirements for reporting COMS data with performance test data.	No, not applicable.
§ 63.10(f)	Waiver for Recordkeeping/Reporting.	Procedures for Administrator to waive	Yes.
§ 63.11	Flares	Requirement for flares	No, not applicable.
§ 63.12	Delegation	State authority to enforce standards	Yes.
§ 63.13	Addresses	Addresses for reports, notifications, requests.	Yes.
§ 63.14	Incorporation by Reference.	Materials incorporated by reference	Yes.
§ 63.15	Availability of Information.	Information availability; confidential information.	Yes.
§ 63.16	Performance Track Provisions.	Requirements for Performance Track member facilities.	Yes.

[80 FR 65543, Oct. 26, 2015, as amended at 85 FR 73915, Nov. 19, 2020]

**Subpart LLLLL—National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing**

SOURCE: 68 FR 24577, May 7, 2003, unless otherwise noted.

WHAT THIS SUBPART COVERS

**§ 63.8680 What is the purpose of this subpart?**

This subpart establishes national emission standards for hazardous air pollutants (NESHAP) for existing and

new asphalt processing and asphalt roofing manufacturing facilities. This subpart also establishes requirements to demonstrate initial and continuous compliance with the emission limitations.

**§ 63.8681 Am I subject to this subpart?**

(a) You are subject to this subpart if you own or operate an asphalt processing facility or an asphalt roofing manufacturing facility, as defined in § 63.8698, that is a major source as defined in § 63.2, or is located at, or is part of a major source as defined in § 63.2.

(b) After the applicable compliance date specified in § 63.8683, blowing stills, asphalt storage tanks, saturators, wet loopers, and coaters subject to the provisions of this subpart that are also subject to 40 CFR part 60, subpart UU, are required to comply only with provisions of this subpart.

(c) This subpart does not apply to any equipment that is subject to subpart CC of this part or to subpart K, Ka, or Kb of 40 CFR part 60.

(d) This subpart does not apply to asphalt processing and asphalt roofing manufacturing equipment used for research and development, as defined in § 63.8698.

(e) The provisions of subpart J of 40 CFR part 60 do not apply to emissions from asphalt processing facilities subject to this subpart.

(f) [Reserved]

[68 FR 24577, May 7, 2003, as amended at 70 FR 28364, May 17, 2005; 85 FR 14548, Mar. 12, 2020]

**§ 63.8682 What parts of my plant does this subpart cover?**

(a) This subpart applies to each new, reconstructed, or existing affected source at asphalt processing and asphalt roofing manufacturing facilities.

(b) The affected source is:

(1) Each asphalt processing facility as defined in § 63.8698; or

(2) Each asphalt roofing manufacturing line as defined in § 63.8698.

(i) If the asphalt roofing manufacturing line is collocated with an asphalt processing facility, the storage tanks that store asphalt flux intended for oxidation in the blowing stills and those tanks that receive asphalt directly from the on-site blowing stills are part of the asphalt processing facility. The remaining asphalt storage tanks are considered to be part of the asphalt roofing facility.

(ii) If an asphalt storage tank is shared by two or more lines at an as-

phalt roofing manufacturing facility, the shared storage tank is considered part of the line to which the tank supplies the greatest amount of asphalt, on an annual basis.

(iii) If a sealant or adhesive applicator is shared by two or more asphalt roofing manufacturing lines, the shared applicator is considered part of the line that provides the greatest throughput to the applicator, on an annual basis.

(c) An affected source is a new affected source if you commenced construction of the affected source after November 21, 2001, and you met the applicability criteria at the time you commenced construction.

(d) An affected source is reconstructed if you meet the criteria in the reconstruction definition in § 63.2.

(e) An affected source is existing if it is not new or reconstructed.

**§ 63.8683 When must I comply with this subpart?**

(a) If you have a new or reconstructed affected source and start up:

(1) On or before April 29, 2003, then you must comply with the requirements for new and reconstructed sources in this subpart no later than April 29, 2003.

(2) After April 29, 2003, then you must comply with the requirements for new and reconstructed sources in this subpart upon startup.

(b) If you have an existing affected source, you must comply with the requirements for existing sources no later than May 1, 2006.

(c) If you have an area source that increases its emissions or its potential to emit such that it becomes a (or part of a) major source as defined in § 63.2, then the following requirements apply:

(1) Any portion of the existing facility that becomes a new or reconstructed affected source must be in compliance with this subpart upon startup or by April 29, 2003, whichever is later.

(2) All other parts of the source to which this subpart applies must be in compliance with this subpart by 3 years after the date the source becomes a major source.

(d) You must meet the notification requirements in § 63.8692 according to

## Environmental Protection Agency

## § 63.8686

the schedules in §§ 63.8692 and 63.9(a) through (f) and (h). Some of the notifications must be submitted before you are required to comply with the emission limitations in this subpart.

[68 FR 24577, May 7, 2003, as amended at 85 FR 14548, Mar. 12, 2020]

### EMISSION LIMITATIONS

#### § 63.8684 What emission limitations and operating limits must I meet?

(a) You must meet each emission limitation in Table 1 to this subpart that applies to you.

(b) You must meet each operating limit in Table 2 to this subpart that applies to you.

[68 FR 24577, May 7, 2003, as amended at 85 FR 14548, Mar. 12, 2020]

### GENERAL COMPLIANCE REQUIREMENTS

#### § 63.8685 What are my general requirements for complying with this subpart?

(a) Before September 9, 2020, you must be in compliance with the emission limitations (including operating limits) in this subpart at all times, except during periods of startup, shutdown, and malfunction. On and after September 9, 2020, you must be in compliance with the emission limitations (including operating limits) in this subpart at all times, except during periods of nonoperation of the affected source (or specific portion thereof) resulting in cessation of the emissions to which this subpart applies.

(b) Before September 9, 2020, you must always operate and maintain your affected source, including air pollution control and monitoring equipment, according to the provisions in § 63.6(e)(1)(i). On and after September 9, 2020, at all times, you must 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 you 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 that 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 affected source.

(c) Before September 9, 2020, you must develop a written startup, shutdown, and malfunction plan (SSMP) according to the provisions in § 63.6(e)(3). On and after September 9, 2020, a startup, shutdown, and malfunction plan is not required.

(d) You must develop and implement a written site-specific monitoring plan according to the provisions in § 63.8688(g) and (h).

[68 FR 24577, May 7, 2003, as amended at 71 FR 20469, Apr. 20, 2006; 85 FR 14549, Mar. 12, 2020]

### TESTING AND INITIAL COMPLIANCE REQUIREMENTS

#### § 63.8686 By what date must I conduct initial performance tests or other initial compliance demonstrations?

(a) For existing affected sources, you must conduct initial performance tests no later than 180 days after the compliance date that is specified for your source in § 63.8683 and according to the provisions in § 63.7(a)(2).

(b) As an alternative to the requirement specified in paragraph (a) of this section, you may use the results of a previously-conducted emission test to demonstrate compliance with the emission limitations in this subpart if you demonstrate to the Administrator's satisfaction that:

(1) No changes have been made to the process since the time of the emission test; and

(2) The operating conditions and test methods used during testing conform to the requirements of this subpart; and

(3) The control device and process parameter values established during the previously-conducted emission test are used to demonstrate continuous compliance with this subpart; and

(4) The previously-conducted emission test was completed within the last 60 months.

**§ 63.8687**

**40 CFR Ch. I (7–1–21 Edition)**

(c) For new sources, you must demonstrate initial compliance no later than 180 calendar days after April 29, 2003 or within 180 calendar days after startup of the source, whichever is later.

[68 FR 24577, May 7, 2003, as amended at 85 FR 14549, Mar. 12, 2020]

**§ 63.8687 What performance tests, design evaluations, and other procedures must I use?**

(a) You must conduct each performance test in Table 3 to this subpart that applies to you.

(b) Each performance test must be conducted under normal operating conditions and under the conditions specified in Table 3 to this subpart. Operations during periods of startup, shutdown, or nonoperation do not constitute representative conditions for purposes of conducting a performance test. You may not conduct performance tests during periods of malfunction. You must record the process information that is necessary to document operating conditions during the test and explain why the conditions represent normal operation. Upon request, you must make available to the Administrator such records as may be necessary to determine the conditions of performance tests.

(c) [Reserved]

(d) Except for opacity and visible emission observations, you must conduct three separate test runs for each performance test required in this section, as specified in § 63.7(e)(3). Each test run must last at least 1 hour.

(e) You must use the following equations to determine compliance with the emission limitations.

(1) To determine compliance with the particulate matter mass emission rate, you must use Equations 1 and 2 of this section as follows:

$$E = M_{PM}/P \quad (\text{Eq. 1})$$

Where:

E = Particulate matter emission rate, kilograms of particulate matter per megagram of roofing product manufactured.

$M_{PM}$  = Particulate matter mass emission rate, kilograms per hour, determined using Equation 2.

P = The asphalt roofing product manufacturing rate during the emissions sampling period, including any material trimmed from the final product, megagram per hour.

$$M_{PM} = C * Q * K \quad (\text{Eq. 2})$$

Where:

$M_{PM}$  = Particulate matter mass emission rate, kilograms per hour.

C = Concentration of particulate matter on a dry basis, grams per dry standard cubic meter (g/dscm), as measured by the test method specified in Table 3 to this subpart.

Q = Vent gas stream flow rate (dry standard cubic meters per minute) at a temperature of 20 °C as measured by the test method specified in Table 3 to this subpart.

K = Unit conversion constant (0.06 minute-kilogram/hour-gram).

(2) To determine compliance with the total hydrocarbon percent reduction standard, you must use Equations 3 and 4 of this section as follows:

$$RE = \left[ (M_{THCi} - M_{THCo}) / (M_{THCi}) \right] * (100) \quad (\text{Eq. 3})$$

Where:

RE = Emission reduction efficiency, percent.

$M_{THCi}$  = Mass flow rate of total hydrocarbons entering the control device, kilograms per hour, determined using Equation 4.

$M_{THCo}$  = Mass flow rate of total hydrocarbons exiting the control device, kilograms per hour, determined using Equation 4.

$$M_{THC} = C * Q * K \quad (\text{Eq. 4})$$

Where:

$M_{THC}$  = Total hydrocarbon mass flow rate, kilograms per hour.

C = Concentration of total hydrocarbons on a dry basis, parts per million by volume (ppmv), as measured by the test method specified in Table 3 to this subpart.

Q = Vent gas stream flow rate (dscm/minute) at a temperature of 20 °C as measured by the test method specified in Table 3 to this subpart.

K = Unit conversion constant (1.10E-04 (ppmv)<sup>-1</sup> (kilogram/dscm)(minute/hour)).

**Environmental Protection Agency**

**§ 63.8688**

(3) To determine compliance with the combustion efficiency standard, you must use Equation 5 of this section as follows:

$$CE = [1 - (CO/CO_2) - (THC/CO_2)] \quad (\text{Eq. 5})$$

Where:

- CE = Combustion efficiency, percent.
- CO = Carbon monoxide concentration at the combustion device outlet, parts per million by volume (dry), as measured by the test method specified in Table 3 to this subpart.
- CO<sub>2</sub> = Carbon dioxide concentration at the combustion device outlet, parts per million by volume (dry), as measured by the test method specified in Table 3 to this subpart.

THC = Total hydrocarbon concentration at the combustion device outlet, parts per million by volume (dry), as measured by the test method specified in Table 3 to this subpart.

(4) To determine compliance with the total hydrocarbon destruction efficiency standard for a combustion device that does not use auxiliary fuel, you must use Equation 6 of this section as follows:

$$THC\ DE = [(CO + CO_2) / (CO + CO_2 + THC)] \quad (\text{Eq. 6})$$

Where:

- THC DE = THC destruction efficiency, percent.
- CO = Carbon monoxide concentration at the combustion device outlet, parts per million by volume (dry), as measured by the test method specified in Table 3 to this subpart.
- CO<sub>2</sub> = Carbon dioxide concentration at the combustion device outlet, parts per million by volume (dry), as measured by the test method specified in Table 3 to this subpart.
- THC = Total hydrocarbon concentration at the combustion device outlet, parts per million by volume (dry), as measured by the test method specified in Table 3 to this subpart.

(i) Have a minimum of four successive cycles of operation to have a valid hour of data.

(ii) Have valid data from at least three of four equally spaced data values for that hour from a CPMS that is not out-of-control according to your site-specific monitoring plan.

(iii) Determine the 3-hour average of all recorded readings for each operating day, except as stated in § 63.8690(c). You must have at least two of the three hourly averages for that period using only hourly average values that are based on valid data (*i.e.*, not from out-of-control periods).

[68 FR 24577, May 7, 2003, as amended at 70 FR 28364, May 17, 2005; 85 FR 14549, Mar. 12, 2020]

**§ 63.8688 What are my monitoring installation, operation, and maintenance requirements?**

(a) You must install, operate, and maintain each continuous parameter monitoring system (CPMS) according to the following:

- (1) The CPMS must complete a minimum of one cycle of operation for each successive 15-minute period.
- (2) To determine the 3-hour average, you must:

(3) You must record the results of each inspection, calibration, and validation check.

(b) For each temperature monitoring device, you must meet the requirements in paragraph (a) of this section and the following:

(1) Locate the temperature sensor in a position that provides a representative temperature.

(2) For a noncryogenic temperature range, use a temperature sensor with a minimum measurement sensitivity of 2.8 °C or 1.0 percent of the temperature value, whichever is larger.

(3) If a chart recorder is used, it must have a sensitivity in the minor division of at least 20 °F.

(4) Perform an accuracy check at least semiannually or following an operating parameter deviation:

(i) According to the procedures in the manufacturer's documentation; or

(ii) By comparing the sensor output to redundant sensor output; or

(iii) By comparing the sensor output to the output from a calibrated temperature measurement device; or

(iv) By comparing the sensor output to the output from a temperature simulator.

(5) Conduct accuracy checks any time the sensor exceeds the manufacturer's specified maximum operating temperature range or install a new temperature sensor.

(6) At least quarterly or following an operating parameter deviation, perform visual inspections of components if redundant sensors are not used.

(c) For each pressure measurement device, you must meet the requirements of paragraph (a) of this section and the following:

(1) Locate the pressure sensor(s) in, or as close as possible, to a position that provides a representative measurement of the pressure.

(2) Use a gauge with a minimum measurement sensitivity of 0.12 kiloPascals or a transducer with a minimum measurement sensitivity of 5 percent of the pressure range.

(3) Check pressure tap pluggage daily. Perform an accuracy check at least quarterly or following an operating parameter deviation:

(i) According to the procedures in the manufacturer's documentation; or

(ii) By comparing the sensor output to redundant sensor output.

(4) Conduct calibration checks any time the sensor exceeds the manufacturer's specified maximum operating pressure range or install a new pressure sensor.

(5) At least monthly or following an operating parameter deviation, perform a leak check of all components for integrity, all electrical connections for continuity, and all mechanical connections for leakage.

(6) At least quarterly or following an operating parameter deviation, per-

form visible inspections on all components if redundant sensors are not used.

(d) For monitoring parameters other than temperature and pressure drop, you must install and operate a CPMS to provide representative measurements of the monitored parameters.

(e) For each flare, you must install a device (including but not limited to a thermocouple, an ultraviolet beam sensor, or an infrared sensor) capable of continuously detecting the presence of a pilot flame.

(f) As an option to installing the CPMS specified in paragraph (a) of this section, you may install a continuous emissions monitoring system (CEMS) or a continuous opacity monitoring system (COMS) that meets the applicable requirements in § 63.8 according to Table 7 to this subpart and the applicable performance specifications of 40 CFR part 60, appendix B.

(g) For each monitoring system required in this section, you must develop and make available for inspection by the permitting authority, upon request, a site-specific monitoring plan that addresses the following:

(1) Installation of the CPMS, CEMS, or COMS sampling probe or other interface at a measurement location relative to each affected process unit such that the measurement is representative of control of the exhaust emissions (*e.g.*, on or downstream of the last control device);

(2) Performance and equipment specifications for the sample interface, the pollutant concentration or parametric signal analyzer, and the data collection and reduction system; and

(3) Performance evaluation procedures and acceptance criteria (*e.g.*, calibrations).

(h) In your site-specific monitoring plan, you must also address the following:

(1) Ongoing operation and maintenance procedures in accordance with the general requirements of § 63.8(c)(1)(ii), (c)(3), (c)(4)(ii), and (c)(7) and (8);

(2) Ongoing data quality assurance procedures in accordance with the general requirements of § 63.8(d); and

(3) Ongoing recordkeeping and reporting procedures in accordance with

## Environmental Protection Agency

## § 63.8691

§§ 63.8693 and 63.8694 and the general requirements of § 63.10(e)(1) and (e)(2)(i).

(i) You must conduct a performance evaluation of each CPMS, CEMS, or COMS in accordance with your site-specific monitoring plan.

(j) You must operate and maintain the CPMS, CEMS, or COMS in continuous operation according to the site-specific monitoring plan.

[68 FR 24577, May 7, 2003, as amended at 85 FR 14549, Mar. 12, 2020]

### **§ 63.8689 How do I demonstrate initial compliance with the emission limitations?**

(a) You must demonstrate initial compliance with each emission limitation that applies to you according to Table 4 to this subpart.

(b) Except as specified in paragraph (d) of this section, you must establish each site-specific operating limit in Table 2 to this subpart that applies to you according to the requirements in § 63.8687 and Table 3 to this subpart.

(c) You must submit the Notification of Compliance Status containing the results of the initial compliance demonstration according to the requirements in § 63.8692(e).

(d) For control devices used to comply with the particulate matter standards in Table 1 to this subpart, you may establish any of the operating limits for pressure drop range (*i.e.*, a minimum and a maximum pressure drop) across the control device using manufacturers' specifications in lieu of complying with paragraph (b) of this section.

[68 FR 24577, May 7, 2003, as amended at 85 FR 14549, Mar. 12, 2020]

## CONTINUOUS COMPLIANCE REQUIREMENTS

### **§ 63.8690 How do I monitor and collect data to demonstrate continuous compliance?**

(a) You must monitor and collect data according to this section.

(b) Before September 9, 2020, except for monitor malfunctions, associated repairs, and required quality assurance or control activities (including, as applicable, calibration checks and required zero and span adjustments), you must monitor continuously (or collect data at all required intervals) at all

times that the affected source is operating including periods of startup, shutdown, and malfunction when the affected source is operating. On and after September 9, 2020, you must monitor and collect data at all times in accordance with § 63.8685(b), except during periods of nonoperation of the affected source (or specific portion thereof) resulting in cessation of the emissions to which this subpart applies.

(c) You may not use data recorded during monitoring malfunctions, associated repairs, and required quality assurance or control activities in data averages and calculations used to report emission or operating levels, nor may such data be used in fulfilling a minimum data availability requirement, if applicable. You must use all the data collected during all other periods in assessing the operation of the control device and associated control system.

[68 FR 24577, May 7, 2003, as amended at 85 FR 14549, Mar. 12, 2020]

### **§ 63.8691 How do I conduct periodic performance tests and demonstrate continuous compliance with the emission limitations and operating limits?**

(a) You must demonstrate continuous compliance with each operating limit in Table 2 to this subpart that applies to you according to the procedures specified in Table 5 to this subpart, and you must conduct performance tests as specified in paragraph (e) of this section.

(b) Before September 9, 2020, you must report each instance in which you did not meet each operating limit in Table 5 to this subpart that applies to you. This includes periods of startup, shutdown, and malfunction. These instances are deviations from the emission limitations in this subpart. These deviations must be reported according to the requirements in § 63.8693. On and after September 9, 2020, you must report each instance in which you did not meet each operating limit in Table 5 to this subpart that applies to you, except during periods of nonoperation of the affected source (or specific portion thereof) resulting in cessation of the emissions to which this subpart applies.

(c) [Reserved]

(d) Before September 9, 2020, consistent with §§ 63.6(e) and 63.7(e)(1), deviations that occur during a period of startup, shutdown, or malfunction are not violations if you demonstrate to the Administrator's satisfaction that you were operating in accordance with § 63.6(e)(1). The Administrator will determine whether deviations that occur during a period of startup, shutdown, or malfunction are violations, according to the provisions in § 63.6(e). On and after September 9, 2020, this paragraph (d) no longer applies.

(e) For each control device used to comply with the PM, THC, opacity, or visible emission standards of this subpart, you must conduct periodic performance tests using the applicable procedures specified in § 63.8687 and Table 4 to this subpart to demonstrate compliance with § 63.8684(a), and to confirm or reestablish the operating limits required by § 63.8684(b). You must conduct periodic performance tests according to the schedule specified in paragraphs (e)(1) through (3) of this section.

(1) Except as specified in paragraph (e)(3) of this section, for each existing affected source, and for each new and reconstructed affected source that commences construction or reconstruction after November 21, 2001 and on or before March 12, 2020, you must conduct the first periodic performance test on or before March 13, 2023. As an alternative to the first periodic performance test, you may use the results of a previously-conducted emission test to demonstrate compliance with the emission limitations in this subpart, such as tests for renewing your facility's operating permit under 40 CFR part 70 or 40 CFR part 71, if you demonstrate to the Administrator's satisfaction that it meets the requirements of § 63.8686(b)(1) through (4). The subsequent periodic performance tests must be conducted no later than 60 months thereafter following the previous performance test.

(2) Except as specified in paragraph (e)(3) of this section, for each new and reconstructed affected source that commences construction or reconstruction after March 12, 2020, you must conduct the first periodic performance test no later than 60 months following the initial performance test required by

§ 63.8689. If you used the alternative compliance option specified in § 63.8686(b) to comply with the initial performance test, then you must conduct the first periodic performance test no later than 60 months following the date you demonstrated to the Administrator that the requirements of § 63.8686(b) had been met.

(3) If an affected source is not operating on the dates the periodic performance test is required to be conducted as specified in paragraph (e)(1) or (2) of this section, then you are not required to restart the affected source for the sole purpose of complying with paragraph (e)(1) or (2) of this section. Instead, upon restart of the affected source, you must conduct the first periodic performance test within 60 days of achieving normal operating conditions but no later than 180 days from startup. You must conduct subsequent periodic performance tests no later than 60 months thereafter following the previous performance test.

[68 FR 24577, May 7, 2003, as amended at 71 FR 20469, Apr. 20, 2006; 85 FR 14549, Mar. 12, 2020]

#### NOTIFICATIONS, REPORTS, AND RECORDS

##### § 63.8692 What notifications must I submit and when?

(a) You must submit all the notifications in §§ 63.6(h)(4) and (5), 63.7(b) and (c), 63.8(f), and 63.9(b) through (f) and (h) that apply to you by the dates specified in these sections, except as provided in paragraphs (b) through (f) of this section.

(b) As specified in § 63.9(b)(2), if you start up your affected source before April 29, 2003, you must submit an Initial Notification not later than 120 calendar days after April 29, 2003, or no later than 120 days after the source becomes subject to this subpart, whichever is later.

(c) As specified in § 63.9(b)(3), if you start up your new or reconstructed affected source on or after April 29, 2003, you must submit an Initial Notification not later than 120 calendar days after you become subject to this subpart.

(d) If you are required to conduct a performance test, you must submit a



## Environmental Protection Agency

## § 63.8693

notification of intent to conduct a performance test at least 60 calendar days before the performance test is scheduled to begin, as required in § 63.7(b)(1).

(e) If you are required to conduct a performance test, design evaluation, opacity observation, visible emission observation, or other compliance demonstration as specified in Table 3 or 4 to this subpart, you must submit a Notification of Compliance Status according to § 63.9(h)(2)(ii). You must submit the Notification of Compliance Status, including the performance test results, before the close of business on the 60th calendar day following the completion of the performance test according to § 63.10(d)(2). On and after September 9, 2020, you must submit all subsequent Notification of Compliance Status reports to EPA via the Compliance and Emissions Data Reporting Interface (CEDRI), which can be accessed through EPA's Central Data Exchange (CDX) (<https://cdx.epa.gov/>). If you claim some of the information required to be submitted via CEDRI is confidential business information (CBI), then submit a complete report, including information claimed to be CBI, to EPA. Submit the file on a compact disc, flash drive, or other commonly used electronic storage medium and clearly mark the medium as CBI. Mail the electronic medium to U.S. EPA/OAQPS/CORE CBI Office, Attention: Group Leader, Measurement Policy Group, MD C404-02, 4930 Old Page Rd., Durham, NC 27703. The same file with the CBI omitted must be submitted to EPA via EPA's CDX as described earlier in this paragraph (e). You may assert a claim of EPA system outage or force majeure for failure to timely comply with the reporting requirement in this paragraph (e) provided you meet the requirements outlined in § 63.8693(h) or (i), as applicable.

(f) If you are using data from a previously-conducted emission test to serve as documentation of conformance with the emission standards and operating limits of this subpart as specified in § 63.8686(b), you must submit the test data in lieu of the initial performance test results with the Notification of

Compliance Status required under paragraph (e) of this section.

[68 FR 24577, May 7, 2003, as amended at 85 FR 14550, Mar. 12, 2020; 85 FR 73916, Nov. 19, 2020]

### § 63.8693 What reports must I submit and when?

(a) You must submit each report in Table 6 to this subpart that applies to you.

(b) Unless the Administrator has approved a different schedule for submission of reports under § 63.10(a), you must submit each report by the date in Table 6 to this subpart and according to the following dates:

(1) The first compliance report must cover the period beginning on the compliance date that is specified for your affected source in § 63.8683 and ending on June 30 or December 31, whichever date is the first date following the end of the first calendar half after the compliance date that is specified for your source in § 63.8683.

(2) The first compliance report must be postmarked or delivered no later than July 31 or January 31, whichever date follows the end of the first calendar half after the compliance date that is specified for your affected source in § 63.8683.

(3) Each subsequent compliance report must cover the semiannual reporting period from January 1 through June 30 or the semiannual reporting period from July 1 through December 31.

(4) Each subsequent compliance report must be postmarked or delivered no later than July 31 or January 31, whichever date is the first date following the end of the semiannual reporting period.

(5) For each affected source that is subject to permitting regulations pursuant to 40 CFR part 70 or 40 CFR part 71, and if the permitting authority has established dates for submitting semiannual reports pursuant to 40 CFR 70.6(a)(3)(iii)(A) or 40 CFR 71.6(a)(3)(iii)(A), you may submit the first and subsequent compliance reports according to the dates the permitting authority has established instead of the dates in paragraphs (b)(1) through (4) of this section.

(6) On and after September 9, 2020, you must submit all compliance reports to EPA via the CEDRI, which can be accessed through EPA's CDX (<https://cdx.epa.gov/>). You must use the appropriate electronic report template on the CEDRI website (<https://www.epa.gov/electronic-reporting-air-emissions/compliance-and-emissions-data-reporting-interface-cedri>) for this subpart. The date report templates become available will be listed on the CEDRI website. The report must be submitted by the deadline specified in this subpart, regardless of the method in which the report is submitted. If you claim some of the information required to be submitted via CEDRI is CBI, submit a complete report, including information claimed to be CBI, to EPA. The report must be generated using the appropriate form on the CEDRI website or an alternate electronic file consistent with the extensible markup language (XML) schema listed on the CEDRI website. Submit the file on a compact disc, flash drive, or other commonly used electronic storage medium and clearly mark the medium as CBI. Mail the electronic medium to U.S. EPA/OAQPS/CORE CBI Office, Attention: Group Leader, Measurement Policy Group, MD C404-02, 4930 Old Page Rd., Durham, NC 27703. The same file with the CBI omitted must be submitted to EPA via EPA's CDX as described earlier in this paragraph (b)(6). You may assert a claim of EPA system outage or force majeure for failure to timely comply with the reporting requirement in this paragraph (b)(6) provided you meet the requirements outlined in § 63.8693(h) or (i), as applicable.

(c) The compliance report must contain the following information:

- (1) Company name and address.
- (2) Statement by a responsible official with that official's name, title, and signature, certifying the truth, accuracy, and completeness of the content of the report.
- (3) Date of report and beginning and ending dates of the reporting period.
- (4) Before September 9, 2020, if you had a startup, shutdown, or malfunction during the reporting period and you took actions consistent with your SSMP, the compliance report must include the information in § 63.10(d)(5)(i).

On and after September 9, 2020, this paragraph (c)(4) no longer applies.

(5) For each reporting period, you must include in the compliance report the total number of deviations that occurred during the reporting period. If there are no deviations from any emission limitations (emission limit, operating limit, opacity limit, and visible emission limit) in § 63.8684 that apply to you, then you must include a statement that there were no deviations from the emission limitations during the reporting period.

(6) If there were no periods during which the CPMS, CEMS, or COMS was out-of-control as specified in § 63.8(c)(7), a statement that there were no periods during which the CPMS, CEMS, or COMS was out-of-control during the reporting period.

(d) For each deviation from an emission limitation (emission limit, operating limit, opacity limit, and visible emission limit) in § 63.8684, you must include in the compliance report the information in paragraphs (c)(1) through (6) of this section, and the information in paragraphs (d)(1) through (13) of this section.

(1) The start date, start time, and duration of each malfunction.

(2) For each instance that the CPMS, CEMS, or COMS was inoperative, except for zero (low-level) and high-level checks, the start date, start time, and duration that the CPMS, CEMS, or COMS was inoperative; the cause (including unknown cause) for the CPMS, CEMS, or COMS being inoperative; and descriptions of corrective actions taken.

(3) For each instance that the CPMS, CEMS, or COMS was out-of-control as specified in § 63.8(c)(7), the start date, start time, and duration that the CPMS, CEMS, or COMS was out-of-control, including the information in § 63.8(c)(8).

(4) Before September 9, 2020, the start date, start time, and duration of the deviation, and whether each deviation occurred during a period of startup, shutdown, or malfunction or during another period. On and after September 9, 2020, the start date, start time, and duration of the deviation including a description of the deviation and the actions you took to minimize emissions

## Environmental Protection Agency

## § 63.8693

in accordance with § 63.8685(b). You must also include:

(i) A list of the affected sources or equipment for which the deviation occurred;

(ii) The cause of the deviation (including unknown cause, if applicable); and

(iii) Any corrective actions taken to return the affected unit to its normal or usual manner of operation.

(5) A summary of the total duration of the deviation during the reporting period and the total duration as a percent of the total source operating time during that reporting period.

(6) Before September 9, 2020, a breakdown of the total duration of the deviations during the reporting period into those that are due to startup, shutdown, control equipment problems, process problems, other known causes, and other unknown causes. On and after September 9, 2020, a breakdown of the total duration of the deviations during the reporting period into those that are due to control equipment problems, process problems, other known causes, and other unknown causes.

(7) A summary of the total duration of CPMS, CEMS, or COMS downtime during the reporting period and the total duration of CPMS, CEMS, or COMS downtime as a percent of the total source operating time during that reporting period.

(8) An identification of each air pollutant that was monitored at the affected source.

(9) A brief description of the process units.

(10) A brief description of the CPMS, CEMS, or COMS.

(11) The date of the latest CPMS, CEMS, or COMS certification or audit.

(12) A description of any changes in CPMS, CEMS, or COMS, processes, or controls since the last reporting period.

(13) On and after September 9, 2020, for each deviation from an emission limitation in § 63.8684, you must include an estimate of the quantity of each regulated pollutant emitted over any emission limitation in § 63.8684, and a description of the method used to estimate the emissions.

(e) Each affected source that has obtained a title V operating permit pursuant to 40 CFR part 70 or 40 CFR part 71 must report all deviations as defined in this subpart in the semiannual monitoring report required by 40 CFR 70.6(a)(3)(iii)(A) or 40 CFR 71.6(a)(3)(iii)(A). If an affected source submits a compliance report pursuant to Table 6 to this subpart along with, or as part of, the semiannual monitoring report required by 40 CFR 70.6(a)(3)(iii)(A) or 40 CFR 71.6(a)(3)(iii)(A), and the compliance report includes all required information concerning deviations from any emission limitation (including any operating limit), submission of the compliance report shall be deemed to satisfy any obligation to report the same deviations in the semiannual monitoring report. However, submission of a compliance report shall not otherwise affect any obligation the affected source may have to report deviations from permit requirements to the permit authority.

(f) On and after September 9, 2020, within 60 days after the date of completing each performance test required by this subpart, you must submit the results of the performance test following the procedures specified in paragraphs (f)(1) through (3) of this section.

(1) *Data collected using test methods supported by EPA's Electronic Reporting Tool (ERT) as listed on EPA's ERT website (<https://www.epa.gov/electronic-reporting-air-emissions/electronic-reporting-tool-ert>) at the time of the test.* Submit the results of the performance test to EPA via the CEDRI, which can be accessed through EPA's CDX (<https://cdx.epa.gov/>). The data must be submitted in a file format generated through the use of EPA's ERT. Alternatively, you may submit an electronic file consistent with the XML schema listed on EPA's ERT website.

(2) *Data collected using test methods that are not supported by EPA's ERT as listed on EPA's ERT website at the time of the test.* The results of the performance test must be included as an attachment in the ERT or an alternate electronic file consistent with the XML schema listed on EPA's ERT website. Submit

the ERT generated package or alternative file to EPA via CEDRI.

(3) *CBI*. If you claim some of the information submitted under paragraph (f)(1) of this section is CBI, you must submit a complete file, including information claimed to be CBI, to EPA. The file must be generated through the use of EPA's ERT or an alternate electronic file consistent with the XML schema listed on EPA's ERT website. Submit the file on a compact disc, flash drive, or other commonly used electronic storage medium and clearly mark the medium as CBI. Mail the electronic medium to U.S. EPA/OAQPS/CORE CBI Office, Attention: Group Leader, Measurement Policy Group, MD C404-02, 4930 Old Page Rd., Durham, NC 27703. The same file with the CBI omitted must be submitted to EPA via EPA's CDX as described in paragraph (f)(1) of this section.

(g) On and after September 9, 2020, within 60 days after the date of completing each continuous monitoring system (CMS) performance evaluation (as defined in § 63.2) as specified in your site-specific monitoring plan, you must submit the results of the performance evaluation following the procedures specified in paragraphs (g)(1) through (3) of this section.

(1) *Performance evaluations of CMS measuring relative accuracy test audit (RATA) pollutants that are supported by EPA's ERT as listed on EPA's ERT website at the time of the evaluation.* Submit the results of the performance evaluation to EPA via CEDRI, which can be accessed through EPA's CDX. The data must be submitted in a file format generated through the use of EPA's ERT. Alternatively, you may submit an electronic file consistent with the XML schema listed on EPA's ERT website.

(2) *Performance evaluations of CMS measuring RATA pollutants that are not supported by EPA's ERT as listed on EPA's ERT website at the time of the evaluation.* The results of the performance evaluation must be included as an attachment in the ERT or an alternate electronic file consistent with the XML schema listed on EPA's ERT website. Submit the ERT generated package or alternative file to EPA via CEDRI.

(3) *CBI*. If you claim some of the information submitted under paragraph (g)(1) of this section is CBI, you must submit a complete file, including information claimed to be CBI, to EPA. The file must be generated through the use of EPA's ERT or an alternate electronic file consistent with the XML schema listed on EPA's ERT website. Submit the file on a compact disc, flash drive, or other commonly used electronic storage medium and clearly mark the medium as CBI. Mail the electronic medium to U.S. EPA/OAQPS/CORE CBI Office, Attention: Group Leader, Measurement Policy Group, MD C404-02, 4930 Old Page Rd., Durham, NC 27703. The same file with the CBI omitted must be submitted to EPA via EPA's CDX as described in paragraph (g)(1) of this section.

(h) If you are required to electronically submit a report through CEDRI in EPA's CDX, you may assert a claim of EPA system outage for failure to timely comply with the reporting requirement in this section. To assert a claim of EPA system outage, you must meet the requirements outlined in paragraphs (h)(1) through (7) of this section.

(1) You must have been or will be precluded from accessing CEDRI and submitting a required report within the time prescribed due to an outage of either EPA's CEDRI or CDX systems.

(2) The outage must have occurred within the period of time beginning five business days prior to the date that the submission is due.

(3) The outage may be planned or unplanned.

(4) You must submit notification to the Administrator in writing as soon as possible following the date you first knew, or through due diligence should have known, that the event may cause or has caused a delay in reporting.

(5) You must provide to the Administrator a written description identifying:

(i) The date(s) and time(s) when CDX or CEDRI was accessed and the system was unavailable;

(ii) A rationale for attributing the delay in reporting beyond the regulatory deadline to EPA system outage;

(iii) Measures taken or to be taken to minimize the delay in reporting; and

## Environmental Protection Agency

## § 63.8694

(iv) The date by which you propose to report, or if you have already met the reporting requirement at the time of the notification, the date you reported.

(6) The decision to accept the claim of EPA system outage and allow an extension to the reporting deadline is solely within the discretion of the Administrator.

(7) In any circumstance, the report must be submitted electronically as soon as possible after the outage is resolved.

(i) If you are required to electronically submit a report through CEDRI in EPA's CDX, you may assert a claim of force majeure for failure to timely comply with the reporting requirement in this section. To assert a claim of force majeure, you must meet the requirements outlined in paragraphs (i)(1) through (5) of this section.

(1) You may submit a claim if a force majeure event is about to occur, occurs, or has occurred or there are lingering effects from such an event within the period of time beginning five business days prior to the date the submission is due. For the purposes of this section, a force majeure event is defined as an event that will be or has been caused by circumstances beyond the control of the affected facility, its contractors, or any entity controlled by the affected facility that prevents you from complying with the requirement to submit a report electronically within the time period prescribed. Examples of such events are acts of nature (e.g., hurricanes, earthquakes, or floods), acts of war or terrorism, or equipment failure or safety hazard beyond the control of the affected facility (e.g., large scale power outage).

(2) You must submit notification to the Administrator in writing as soon as possible following the date you first knew, or through due diligence should have known, that the event may cause or has caused a delay in reporting.

(3) You must provide to the Administrator:

(i) A written description of the force majeure event;

(ii) A rationale for attributing the delay in reporting beyond the regulatory deadline to the force majeure event;

(iii) Measures taken or to be taken to minimize the delay in reporting; and

(iv) The date by which you propose to report, or if you have already met the reporting requirement at the time of the notification, the date you reported.

(4) The decision to accept the claim of force majeure and allow an extension to the reporting deadline is solely within the discretion of the Administrator.

(5) In any circumstance, the reporting must occur as soon as possible after the force majeure event occurs.

[68 FR 24577, May 7, 2003, as amended at 85 FR 14550, Mar. 12, 2020]

### § 63.8694 What records must I keep?

(a) You must keep the following records:

(1) A copy of each notification and report that you submitted to comply with this subpart, including all documentation supporting any Initial Notification or Notification of Compliance Status that you submitted, according to the requirements in § 63.10(b)(2)(xiv).

(2) Before September 9, 2020, the records in § 63.6(e)(3)(iii) through (v) related to startup, shutdown, and malfunction. On and after September 9, 2020, this paragraph (a)(2) no longer applies.

(3) Records of performance tests, performance evaluations, and opacity and visible emission observations as required in § 63.10(b)(2)(viii).

(b) You must keep the records in § 63.6(h)(6) for visible emission observations.

(c) You must keep the records required in Table 5 to this subpart to show continuous compliance with each operating limit that applies to you.

(d) Records of any shared equipment determinations as specified in § 63.8682(b).

(e) Any records required to be maintained by this part that are submitted electronically via EPA's CEDRI may be maintained in electronic format. This ability to maintain electronic copies does not affect the requirement for facilities to make records, data, and reports available upon request to a delegated air agency or EPA as part of an on-site compliance evaluation.

[68 FR 24577, May 7, 2003, as amended at 85 FR 14552, Mar. 12, 2020]

**§ 63.8695**

**40 CFR Ch. I (7–1–21 Edition)**

**§ 63.8695 In what form and how long must I keep my records?**

(a) Your records must be in a form suitable and readily available for expeditious review, according to § 63.10(b)(1).

(b) As specified in § 63.10(b)(1), you must keep each record for 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record.

(c) You must keep each record on site for at least 2 years after the date of each occurrence, measurement, maintenance, corrective action, report, or record, according to § 63.10(b)(1). You can keep the records offsite for the remaining 3 years.

**OTHER REQUIREMENTS AND INFORMATION**

**§ 63.8696 What parts of the General Provisions apply to me?**

Table 7 to this subpart shows which parts of the General Provisions in §§ 63.1 through 63.15 apply to you.

**§ 63.8697 Who implements and enforces this subpart?**

(a) This subpart can be implemented and enforced by us, the U.S. Environmental Protection Agency (U.S. EPA), or a delegated authority such as your State, local, or tribal agency. If the U.S. EPA Administrator has delegated authority to your State, local, or tribal agency, then that agency, in addition to the U.S. EPA, has the authority to implement and enforce this subpart. You should contact your U.S. EPA Regional Office to find out if implementation and enforcement of this subpart is delegated.

(b) In delegating implementation and enforcement authority of this subpart to a State, local, or tribal agency under 40 CFR part 63, subpart E, the following authorities are retained by the Administrator of U.S. EPA:

(1) Approval of alternatives to the requirements in §§ 63.8681, 63.8682, 63.8683, 63.8684, 63.8685, 63.8686, 63.8687, 63.8688, 63.8689, 63.8690, and 63.8691.

(2) Approval of major changes to test methods under § 63.7(e)(2)(ii) and (f) and as defined in § 63.90.

(3) Approval of major changes to monitoring under § 63.8(f) and as defined in § 63.90.

(4) Approval of major changes to recordkeeping and reporting under § 63.10(f) and as defined in § 63.90.

[68 FR 24577, May 7, 2003, as amended at 85 FR 14552, Mar. 12, 2020]

**§ 63.8698 What definitions apply to this subpart?**

Terms used in this subpart are defined in the Clean Air Act, in 40 CFR 63.2, the General Provisions of this part, and in this section as follows:

*Adhesive applicator* means the equipment that uses open pan-type application (e.g., a roller partially submerged in an open pan of adhesive) to apply adhesive to roofing shingles for producing laminated or dimensional roofing shingles.

*Asphalt flux* means the organic residual material from distillation of crude oil that is generally used in asphalt roofing manufacturing and paving and non-paving asphalt products.

*Asphalt loading rack* means the equipment at an asphalt processing facility used to transfer oxidized asphalt from a storage tank into a tank truck, rail car, or barge.

*Asphalt processing facility* means any facility engaged in the preparation of asphalt flux at stand-alone asphalt processing facilities, petroleum refineries, and asphalt roofing facilities. Asphalt preparation, called “blowing,” is the oxidation of asphalt flux, achieved by bubbling air through the heated asphalt, to raise the softening point and to reduce penetration of the oxidized asphalt. An asphalt processing facility includes one or more asphalt flux blowing stills, asphalt flux storage tanks storing asphalt flux intended for processing in the blowing stills, oxidized asphalt storage tanks, and oxidized asphalt loading racks.

*Asphalt roofing manufacturing facility* means a facility consisting of one or more asphalt roofing manufacturing lines.

*Asphalt roofing manufacturing line* means the collection of equipment used to manufacture asphalt roofing products through a series of sequential process steps. The equipment that comprises an asphalt roofing manufacturing line varies depending on the type of substrate used (i.e., organic or

inorganic) and the final product manufactured (e.g., roll roofing, laminated shingles). For example, an asphalt roofing manufacturing line that uses fiberglass mat as a substrate typically would not include a saturator/wet looper (or the saturator/wet looper could be bypassed if the line manufacturers multiple types of products). An asphalt roofing manufacturing line can include a saturator (including wet looper), coater, coating mixers, sealant applicators, adhesive applicators, and asphalt storage and process tanks. The number of asphalt roofing manufacturing lines at a particular facility is determined by the number of saturators (or coaters) operated in parallel. For example, an asphalt roofing manufacturing facility with two saturators (or coaters) operating in parallel would be considered to have two separate roofing manufacturing lines.

*Asphalt storage tank* means any tank used to store asphalt flux, oxidized asphalt, and modified asphalt, at asphalt roofing manufacturing facilities, petroleum refineries, and asphalt processing facilities. Storage tanks containing cutback asphalts (asphalts diluted with solvents to reduce viscosity for low temperature applications) and emulsified asphalts (asphalts dispersed in water with an emulsifying agent) are not subject to this subpart.

*Blowing still* means the equipment in which air is blown through asphalt flux to change the softening point and penetration rate of the asphalt flux, creating oxidized asphalt.

*Boiler* means any enclosed combustion device that extracts useful energy in the form of steam and is not an incinerator.

*Coater* means the equipment used to apply amended (filled or modified) asphalt to the top and bottom of the substrate (typically fiberglass mat) used to manufacture shingles and rolled roofing products.

*Coating mixer* means the equipment used to mix coating asphalt and a mineral stabilizer, prior to applying the stabilized coating asphalt to the substrate.

*Combustion device* means an individual unit of equipment such as a flare, incinerator, process heater, or

boiler used for the combustion of organic hazardous air pollutant vapors.

*Deviation* means any instance in which an affected source subject to this subpart, or an owner or operator of such a source:

(1) Fails to meet any requirement or obligation established by this subpart including, but not limited to, any emission limitation (including any operating limit), or work practice standard;

(2) Fails to meet any term or condition that is adopted to implement an applicable requirement in this subpart, and that is included in the operating permit for any affected source required to obtain such a permit; or

(3) Before September 9, 2020, fails to meet any emission limitation (including any operating limit) or work practice standard in this subpart during startup, shutdown, or malfunction, regardless of whether or not such failure is permitted by this subpart. On and after September 9, 2020, this paragraph (3) no longer applies.

*Emission limitation* means any emission limit, opacity limit, operating limit, or visible emission limit.

*Group 1 asphalt loading rack* means an asphalt loading rack that loads asphalt with a maximum temperature of 260 °C (500 °F) or greater and has a maximum true vapor pressure of 10.4 kiloPascals (kPa) (1.5 pounds per square inch absolute (psia)) or greater.

*Group 2 asphalt loading rack* means an asphalt loading rack that is not a Group 1 asphalt loading rack.

*Group 1 asphalt storage tank* means an asphalt storage tank that meets both of the following criteria:

(1) Has a capacity of 177 cubic meters (47,000 gallons) of asphalt or greater; and

(2) Stores asphalt at a maximum temperature of 260 °C (500 °F) or greater and has a maximum true vapor pressure of 10.4 kPa (1.5 psia) or greater.

*Group 2 asphalt storage tank* means any asphalt storage tank with a capacity of 1.93 megagrams (Mg) of asphalt or greater that is not a Group 1 asphalt storage tank.

*Incinerator* means an enclosed combustion device that is used for destroying organic compounds. Auxiliary fuel

may be used to heat waste gas to combustion temperatures. Any energy recovery section present is not physically formed into one manufactured or assembled unit with the combustion section; rather, the energy recovery section is a separate section following the combustion section and the two are joined by ducts or connections carrying flue gas.

*Maximum true vapor pressure* means the equilibrium partial pressure exerted by the stored asphalt at its maximum storage temperature.

*Modified asphalt* means asphalt that has been mixed with polymer modifiers.

*Oxidized asphalt* means asphalt that has been prepared by passing air through liquid asphalt flux in a blowing still.

*Process heater* means an enclosed combustion device that primarily transfers heat liberated by burning fuel directly to process streams or to heat transfer liquids other than water.

*Research and development equipment* means any equipment whose primary purpose is to conduct research and development to develop new processes and products, where such equipment is

operated under the close supervision of technically trained personnel and is not engaged in the manufacture of products for commercial sale in commerce, except in a *de minimis* manner.

*Responsible official* means responsible official as defined in 40 CFR 70.2.

*Saturator* means the equipment in which substrate (predominantly organic felt) is filled with asphalt. Saturators are predominantly used for the manufacture of saturated felt products. The term saturator includes the saturator and wet looper.

*Sealant applicator* means the equipment that uses open pan-type application (e.g., a roller partially submerged in an open pan of sealant) to apply a sealant strip to a roofing product. The sealant strip is used to seal overlapping pieces of roofing product after they have been applied.

*Work practice standard* means any design, equipment, work practice, or operational standard, or combination thereof, that is promulgated pursuant to section 112(h) of the Clean Air Act.

[68 FR 24577, May 7, 2003, as amended at 70 FR 28364, May 17, 2005; 85 FR 14552, Mar. 12, 2020]

TABLE 1 TO SUBPART LLLLL OF PART 63—EMISSION LIMITATIONS

For—	You must meet the following emission limitation—
1. Each blowing still, Group 1 asphalt loading rack, and Group 1 asphalt storage tank at existing, new, and reconstructed asphalt processing facilities; and each Group 1 asphalt storage tank at existing, new, and reconstructed asphalt roofing manufacturing lines; and each coating mixer, saturator (including wet looper), coater, sealant applicator, and adhesive applicator at new and reconstructed asphalt roofing manufacturing lines.	a. Reduce total hydrocarbon mass emissions by 95 percent, or to a concentration of 20 ppmv, on a dry basis corrected to 3 percent oxygen; b. Route the emissions to a combustion device achieving a combustion efficiency of 99.5 percent; c. Route the emissions to a combustion device that does not use auxiliary fuel achieving a total hydrocarbon (THC) destruction efficiency of 95.8 percent; d. Route the emissions to a boiler or process heater with a design heat input capacity of 44 megawatts (MW) or greater; e. Introduce the emissions into the flame zone of a boiler or process heater; or f. Route emissions to a flare meeting the requirements of § 63.11(b).
2. The total emissions from the coating mixer, saturator (including wet looper), coater, sealant applicator, and adhesive applicator at each existing asphalt roofing manufacturing line. <sup>a</sup>	a. Limit particulate matter emissions to 0.04 kilograms emissions per megagram (kg/Mg) (0.08 pounds per ton, lb/ton) of asphalt shingle or mineral-surfaced roll roofing produced; or b. Limit particulate matter emissions to 0.4 kg/Mg (0.8 lb/ton) of saturated felt or smooth-surfaced roll roofing produced.
3. Each saturator (including wet looper) and coater at existing, new, and reconstructed asphalt roofing manufacturing lines. <sup>a</sup>	a. Limit exhaust gases to 20 percent opacity; and b. Limit visible emissions from the emission capture system to 20 percent of any period of consecutive valid observations totaling 60 minutes.



Environmental Protection Agency

Pt. 63, Subpt. LLLLL, Table 3

For—	You must meet the following emission limitation—
4. Each Group 2 asphalt storage tank at existing, new, and re-constructed asphalt processing facility and asphalt roofing manufacturing lines. <sup>a</sup>	Limit exhaust gases to 0 percent opacity. <sup>b</sup>

<sup>a</sup>As an alternative to meeting the particulate matter and opacity limits, these emission sources may comply with the THC percent reduction or combustion efficiency standards.

<sup>b</sup>The opacity limit can be exceeded for one consecutive 15-minute period in any 24-hour period when the storage tank transfer lines are being cleared. During this 15-minute period, the control device must not be bypassed. If the emissions from the asphalt storage tank are ducted to the saturator control device, the combined emissions from the saturator and storage tank must meet the 20 percent opacity limit (specified in 3.a of Table 1 to this subpart) during this 15-minute period. At any other time, the opacity limit applies to Group 2 asphalt storage tanks.

[68 FR 24577, May 7, 2003, as amended at 85 FR 14553, Mar. 12, 2020]

TABLE 2 TO SUBPART LLLLL OF PART 63—OPERATING LIMITS

For—	You must <sup>a</sup>
1. Non-flare combustion devices with a design heat input capacity less than 44 MW or where the emissions are not introduced into the flame zone.	Maintain the 3-hour average <sup>b</sup> combustion zone temperature at or above the operating limit established during the performance test.
2. Flares .....	Meet the operating requirements specified in § 63.11(b).
3. Control devices used to comply with the particulate matter standards.	a. Maintain the 3-hour average <sup>b</sup> inlet gas temperature at or below the operating limit established during the performance test; and b. Maintain the 3-hour average <sup>b</sup> pressure drop across the device <sup>c</sup> within the operating range limits ( <i>i.e.</i> , at or above a minimum pressure drop and at or below a maximum pressure drop) established during the performance test, or as an alternative, established according to the manufacturer's specifications as specified in § 63.8689(d).
4. Other control devices that are neither a combustion device nor a control device used to comply with the particulate matter emission standards.	Maintain the approved monitoring parameters within the operating limits established during the performance test.

<sup>a</sup>The operating limits specified in Table 2 to this subpart are applicable if you are monitoring control device operating parameters to demonstrate continuous compliance. If you are using a CEMS or COMS, you must maintain emissions below the value established during the initial performance test.

<sup>b</sup>A 15-minute averaging period can be used as an alternative to the 3-hour averaging period for this parameter.

<sup>c</sup>As an alternative to monitoring the pressure drop across the control device, owners or operators using an ESP to achieve compliance with the emission limits specified in Table 1 to this subpart can monitor the voltage to the ESP. If this option is selected, the ESP voltage must be maintained at or above the operating limit established during the performance test.

[68 FR 24577, May 7, 2003, as amended at 85 FR 14553, Mar. 12, 2020]

TABLE 3 TO SUBPART LLLLL OF PART 63—REQUIREMENTS FOR PERFORMANCE TESTS<sup>A B</sup>

For—	You must—	Using—	According to the following requirements—
1. All particulate matter, total hydrocarbon, carbon monoxide, and carbon dioxide emission tests.	a. Select sampling port's location and the number of traverse points.	i. EPA test method 1 or 1A in appendix A to part 60 of this chapter.	A. For demonstrating compliance with the total hydrocarbon percent reduction standard, the sampling sites must be located at the inlet and outlet of the control device prior to any releases to the atmosphere. B. For demonstrating compliance with the particulate matter mass emission rate, THC destruction efficiency, THC outlet concentration, or combustion efficiency standards, the sampling sites must be located at the outlet of the control device prior to any releases to the atmosphere.
2. All particulate matter and total hydrocarbon tests.	Determine velocity and volumetric flow rate.	EPA test method 2, 2A, 2C, 2D, 2F, or 2G, as appropriate, in appendix A to part 60 of this chapter.	
3. All particulate matter and total hydrocarbon tests.	Determine the gas molecular weight used for flow rate determination.	EPA test method 3, 3A, 3B, as appropriate, in appendix A to part 60 of this chapter.	

Pt. 63, Subpt. LLLLL, Table 3

40 CFR Ch. I (7–1–21 Edition)

For—	You must—	Using—	According to the following requirements—
4. All particulate matter, total hydrocarbon, carbon monoxide, and carbon dioxide emission tests.	Measure moisture content of the stack gas.	EPA test method 4 in appendix A to part 60 of this chapter.	
5. All particulate matter emission tests.	Measure the asphalt processing rate or the asphalt roofing manufacturing rate and the asphalt content of the product manufactured, as appropriate.		
6. Each control device used to comply with the particulate matter emission standards.	Measure the concentration of particulate matter.	EPA test method 5A in appendix A to part 60 of this chapter.	For demonstrating compliance with the particulate matter standard, the performance tests must be conducted under normal operating conditions and while manufacturing the roofing product that is expected to result in the greatest amount of hazardous air pollutant emissions.
7. All opacity tests .....	Conduct opacity observations.	EPA test method 9 in appendix A to part 60 of this chapter, or ASTM D7520–16 <sup>d1</sup> .	Conduct opacity observations for at least 3 hours and obtain 30, 6-minute averages.
8. All visible emission tests.	Conduct visible emission observations.	EPA test method 22 in appendix A to part 60 of this chapter.	Modify EPA test method 22 such that readings are recorded every 15 seconds for a period of consecutive observations totaling 60 minutes.
9. Each combustion device used to comply with the combustion efficiency or THC standards.	a. Measure the concentration of carbon dioxide. b. Measure the concentration of carbon monoxide. c. Measure the concentration of total hydrocarbons.	EPA test method 3A in appendix A to part 60 of this chapter. EPA test method 10 in appendix A to part 60 of this chapter. EPA test method 25A in appendix A to part 60 of this chapter.	
10. Each control device used to comply with the THC reduction efficiency or outlet concentration standards.	Measure the concentration of total hydrocarbons.	EPA test method 25A in appendix A to part 60 of this chapter.	
11. Each combustion device.	Establish a site-specific combustion zone temperature operating limit.	Data from the CPMS and the applicable performance test method(s).	You must collect combustion zone temperature data every 15 minutes during the entire period of the 3-hour performance test, and determine the average combustion zone temperature over the 3-hour performance test by computing the average of all of the 15-minute readings.
12. Each control device used to comply with the particulate matter emission standards.	Establish a site-specific inlet gas temperature operating limit; and if not complying with § 63.8689(d), also establish site-specific limits for the pressure drop range ( <i>i.e.</i> , a minimum and a maximum pressure drop) across the device <sup>e</sup> .	Data from the CPMS and the applicable performance test method(s).	You must collect the inlet gas temperature and pressure drop <sup>b</sup> data every 15 minutes during the entire period of the 3-hour performance test, and determine the average inlet gas temperature and pressure drop <sup>c</sup> over the 3-hour performance test by computing the average of all of the 15-minute readings. The inlet gas temperature operating limit is set at +20 percent of the test run average inlet gas temperature measured in units of degrees Celsius or degrees Fahrenheit. The maximum (or minimum) pressure drop is set as the maximum (or minimum) average pressure drop of the performance test runs which demonstrated compliance with the applicable emission limit.

Environmental Protection Agency

Pt. 63, Subpt. LLLLL, Table 4

For—	You must—	Using—	According to the following requirements—
13. Each control device that is neither a combustion device nor a control device used to comply with the particulate matter emission standards.	Establish site-specific monitoring parameters.	Process data and data from the CPMS and the applicable performance test method(s).	You must collect monitoring parameter data every 15 minutes during the entire period of the 3-hour performance test, and determine the average monitoring parameter values over the 3-hour performance test by computing the average of all of the 15-minute readings.
14. Each flare used to comply with the THC percent reduction or PM emission limits.	Assure that the flare is operated and maintained in conformance with its design.	The requirements of § 63.11(b).	

<sup>a</sup> For initial performance tests, as specified in § 63.8686(b), you may request that data from a previously-conducted emission test serve as documentation of conformance with the emission standards and operating limits of this subpart.

<sup>b</sup> Performance tests are not required if: (1) The emissions are routed to a boiler or process heater with a design heat input capacity of 44 MW or greater; or (2) the emissions are introduced into the flame zone of a boiler or process heater.

<sup>c</sup> As an alternative to monitoring the pressure drop across the control device, owners or operators using an ESP to achieve compliance with the emission limits specified in Table 1 to this subpart can monitor the voltage to the ESP.

<sup>d</sup> If you use ASTM D7520–16 in lieu of EPA test method 9, then you must comply with the conditions specified in this footnote. During the digital camera opacity technique (DCOT) certification procedure outlined in Section 9.2 of ASTM D7520–16, you or the DCOT vendor must present the plumes in front of various backgrounds of color and contrast representing conditions anticipated during field use such as blue sky, trees, and mixed backgrounds (clouds and/or a sparse tree stand). You must also have standard operating procedures in place including daily or other frequency quality checks to ensure the equipment is within manufacturing specifications as outlined in Section 8.1 of ASTM D7520–16. You must follow the record keeping procedures outlined in § 63.10(b)(1) for the DCOT certification, compliance report, data sheets, and all raw unaltered JPEGs used for opacity and certification determination. You or the DCOT vendor must have a minimum of four (4) independent technology users apply the software to determine the visible opacity of the 300 certification plumes. For each set of 25 plumes, the user may not exceed 15 percent opacity of any one reading and the average error must not exceed 7.5 percent opacity. This approval does not provide or imply a certification or validation of any vendor's hardware or software. The onus to maintain and verify the certification and/or training of the DCOT camera, software and operator in accordance with ASTM D7520–16 and this letter is on the facility, DCOT operator, and DCOT vendor.

<sup>e</sup> You may conduct two separate performance tests to establish the operating limits for pressure drop range (*i.e.*, one performance test to establish a minimum pressure drop operating limit and one performance test to establish a maximum pressure drop operating limit); however, you may choose to establish either, or both, the minimum and maximum pressure drop operating limits using the requirements of § 63.8689(d) in lieu of the requirements specified in this Table.

<sup>f</sup> Incorporated by reference, see § 63.14.

[68 FR 24577, May 7, 2003, as amended at 85 FR 14553, Mar. 12, 2020]

TABLE 4 TO SUBPART LLLLL OF PART 63—INITIAL AND CONTINUOUS COMPLIANCE WITH EMISSION LIMITATIONS

For—	For the following emission limitation—	You have demonstrated initial compliance if—
1. Each blowing still, Group 1 asphalt loading rack, and Group 1 asphalt storage tank, at existing, new, and reconstructed asphalt processing facilities.	<p>a. Reduce total hydrocarbon mass emissions by 95 percent or to a concentration of 20 ppmv, on a dry basis corrected to 3 percent oxygen.</p> <p>b. Route the emissions to a combustion device achieving a combustion efficiency of 99.5 percent.</p> <p>c. Route the emissions to a combustion device that does not use auxiliary fuel achieving a THC destruction efficiency of 95.8 percent.</p> <p>d. Route emissions to a boiler or process heater with a design heat input capacity of 44 MW or greater.</p>	<p>i. The total hydrocarbon emissions, determined using the equations in § 63.8687 and the test methods and procedures in Table 3 to this subpart, over the period of the performance test are reduced by at least 95 percent by weight or to a concentration of 20 ppmv, on a dry basis corrected to 3 percent oxygen; and</p> <p>ii. You have a record of the average control device operating parameters<sup>a</sup> over the performance test during which emissions were reduced according to 1.a.i. of this table.</p> <p>i. The combustion efficiency of the combustion device, determined using the equations in § 63.8687 and the test methods and procedures in Table 3 to this subpart, over the period of the performance test is at least 99.5 percent; and</p> <p>ii. You have a record of the average combustion zone temperature<sup>a</sup> and carbon monoxide, carbon dioxide, and total hydrocarbon outlet concentrations over the performance test during which the combustion efficiency was at least 99.5 percent.</p> <p>i. The THC destruction efficiency of the combustion device, determined using the equations in § 63.8687 and the test methods and procedures in Table 3 to this subpart, over the period of the performance test is at least 95.8 percent; and</p> <p>ii. You have a record of the average combustion zone temperature<sup>a</sup> and carbon monoxide, carbon dioxide, and total hydrocarbon outlet concentrations over the performance test during which the THC destruction efficiency was at least 95.8 percent.</p> <p>You have a record of the boiler or process heater design heat capacity.</p>

Pt. 63, Subpt. LLLLL, Table 4

40 CFR Ch. I (7-1-21 Edition)

For—	For the following emission limitation—	You have demonstrated initial compliance if—
2. Each coating mixer, saturator (including wet looper), coater, sealant applicator, adhesive applicator, and Group 1 asphalt storage tank at new and reconstructed asphalt roofing manufacturing lines.	<p>e. Introduce the emissions into the flame zone of a boiler or process heater.</p> <p>f. Route emissions to a flare meeting the requirements of § 63.11(b).</p> <p>a. Reduce total hydrocarbon mass emissions by 95 percent or to a concentration of 20 ppmv, on a dry basis corrected to 3 percent oxygen.</p> <p>b. Route the emissions to a combustion device achieving a combustion efficiency of 99.5 percent.</p> <p>c. Route the emissions to a combustion device that does not use auxiliary fuel achieving a THC destruction efficiency of 95.8 percent.</p> <p>d. Route emissions to a boiler or process heater with a design heat input capacity of 44 MW or greater.</p> <p>e. Introduce the emissions into the flame zone of a boiler or process heater.</p> <p>f. Route emissions to a flare meeting the requirements of § 63.11(b).</p>	<p>You have a record that shows the emissions are being introduced into the boiler or process heater flame zone.</p> <p>You have a record of the flare design and operating requirements.</p> <p>See 1.a.i. and ii. of this table.</p> <p>See 1.b.i. and ii. of this table.</p> <p>See 1.c.i. and ii. of this table.</p> <p>See 1.d. of this table.</p> <p>See 1.e. of this table.</p> <p>See 1.f. of this table.</p>
3. The total emissions from the coating mixer, saturator (including wet looper), coater, sealant applicator, and adhesive applicator at each existing asphalt roofing manufacturing line.	<p>a. Limit PM emissions to 0.04 kg/Mg (0.08 lb/ton) of asphalt shingle or mineral-surfaced roll roofing produced.</p> <p>b. Limit PM emissions to 0.4 kg/Mg (0.8 lb/ton) of saturated felt or smooth-surfaced roll roofing produced.</p>	<p>i. The PM emissions, determined using the equations in § 63.8687 and the test methods and procedures in Table 3 to this subpart, over the period of the performance test are no greater than the applicable emission limitation; and</p> <p>ii. You have a record of the average control device<sup>a</sup> or process parameters over the performance test during which the particulate matter emissions were no greater than the applicable emission limitation.</p> <p>See 3.a.i. and ii. of this table.</p>
4. Each saturator (including wet looper) and coater at an existing, new, or reconstructed asphalt roofing manufacturing line.	<p>a. Limit visible emissions from the emissions capture system to 20 percent of any period of consecutive valid observations totaling 60 minutes.</p> <p>b. Limit opacity emissions to 20 percent.</p>	<p>The visible emissions, measured using EPA test method 22 in appendix A to part 60 of this chapter, for any period of consecutive valid observations totaling 60 minutes do not exceed 20 percent.</p> <p>The opacity, measured using EPA test method 9 in appendix A to part 60 of this chapter, for each of the first 30 6-minute averages does not exceed 20 percent.</p>
5. Each Group 2 asphalt storage tank at existing, new, and reconstructed asphalt processing facilities and asphalt roofing manufacturing lines.	Limit exhaust gases to 0 percent opacity.	The opacity, measured using EPA test method 9 in appendix A to part 60 of this chapter, for each of the first 30 6-minute averages does not exceed 0 percent.

<sup>a</sup> If you use a CEMS or COMS to demonstrate compliance with the emission limits, you are not required to record control device operating parameters.

[68 FR 24577, May 7, 2003, as amended at 85 FR 14554, Mar. 12, 2020]

TABLE 5 TO SUBPART LLLLL OF PART 63—CONTINUOUS COMPLIANCE WITH OPERATING LIMITS<sup>A</sup>

For—	For the following operating limit—	You must demonstrate continuous compliance by—
1. Each non-flare combustion device. <sup>b</sup>	a. Maintain the 3-hour <sup>c</sup> average combustion zone temperature at or above the operating limit establishing during the performance test.	i. Passing the emissions through the control device; and ii. Collecting the combustion zone temperature data according to § 63.8688(b); and iii. Reducing combustion zone temperature data to 3-hour <sup>c</sup> averages according to calculations in Table 3 to this subpart; and iv. Maintaining the 3-hour <sup>c</sup> average combustion zone temperature within the level established during the performance test.
2. Each flare .....	Meet the operating requirements specified in § 63.11(b).	The flare pilot light must be present at all times and the flare must be operating at all times that emissions may be vented to it.
3. Control devices used to comply with the particulate matter emission standards.	a. Maintain the 3-hour <sup>c</sup> average inlet gas temperature at or below the operating limit established during the performance test; and. b. Maintain the 3-hour <sup>c</sup> average pressure drop across device <sup>d</sup> within the operating range limits that were established pursuant to § 63.8689(b) and/or (d).	i. Passing the emissions through the control device; and ii. Collecting the inlet gas temperature and pressure drop <sup>d</sup> data according to § 63.8688(b) and (c); and iii. Reducing inlet gas temperature and pressure drop <sup>d</sup> data to 3-hour <sup>c</sup> averages according to calculations in Table 3 to this subpart; and iv. Maintaining the 3-hour <sup>c</sup> average inlet gas temperature within the level established during the performance test; and v. Maintaining the 3-hour <sup>c</sup> average pressure drop across device <sup>d</sup> within the level established pursuant to § 63.8689(b) and/or (d).
4. Other control devices that are neither a combustion device nor a control device used to comply with the particulate matter emission standards.	a. Maintain the monitoring parameters within the operating limits established during the performance test.	i. Passing the emissions through the devices; ii. Collecting the monitoring parameter data according to § 63.8688(d); and iii. Reducing the monitoring parameter data to 3-hour <sup>c</sup> averages according to calculations in Table 3 to this subpart; and iv. Maintaining the monitoring parameters within the level established during the performance test.

<sup>a</sup> The operating limits specified in Table 2 to this subpart and the requirements specified in Table 5 to this subpart are applicable if you are monitoring control device operating parameters to demonstrate continuous compliance. If you use a CEMS or COMS to demonstrate compliance with the emission limits, you are not required to record control device operating parameters. However, you must maintain emissions below the value established during the initial performance test. Data from the CEMS and COMS must be reduced as specified in §§ 63.8690 and 63.8(g)(1) through (4).

<sup>b</sup> Continuous parameter monitoring is not required if (1) the emissions are routed to a boiler or process heater with a design heat input capacity of 44 MW or greater; or (2) the emissions are introduced into the flame zone of a boiler or process heater.

<sup>c</sup> A 15-minute averaging period can be used as an alternative to the 3-hour averaging period for this parameter.

<sup>d</sup> As an alternative to monitoring the pressure drop across the control device, owners or operators using an ESP to achieve compliance with the emission limits specified in Table 1 to this subpart can monitor the voltage to the ESP. If this option is selected, the ESP voltage must be maintained at or above the operating limit established during the performance test.

[68 FR 24577, May 7, 2003, as amended at 70 FR 28365, May 17, 2005; 85 FR 14555, Mar. 12, 2020]

TABLE 6 TO SUBPART LLLLL OF PART 63—REQUIREMENTS FOR REPORTS

You must submit—	The report must contain—	You must submit the report—
1. An initial notification .....	The information in § 63.9(b) .....	According to the requirements in § 63.9(b).
2. A notification of performance test ..	A written notification of the intent to conduct a performance test.	At least 60 calendar days before the performance test is scheduled to begin, as required in § 63.9(e).
3. A notification of opacity and visible emission observations.	A written notification of the intent to conduct opacity and visible emission observations.	According to the requirements in § 63.9(f).
4. Notification of compliance status ....	The information in § 63.9(h)(2) through (5), as applicable.	According to the requirements in §§ 63.8692(e) and 63.9(h)(2) through (5), as applicable.
5. A compliance report .....	a. A statement that there were no deviations from the emission limitations during the reporting period, if there are no deviations from any emission limitations (emission limit, operating limit, opacity limit, and visible emission limit) that apply to you.	Semiannually according to the requirements in § 63.8693(b).

Pt. 63, Subpt. LLLLL, Table 7

40 CFR Ch. I (7–1–21 Edition)

You must submit—	The report must contain—	You must submit the report—
	<p>b. If there were no periods during which the CPMS, CEMS, or COMS was out-of-control as specified in § 63.8(c)(7), a statement that there were no periods during which the CPMS, CEMS, or COMS was out-of-control during the reporting period.</p> <p>c. If you have a deviation from any emission limitation (emission limit, operating limit, opacity limit, and visible emission limit), the report must contain the information in § 63.8693(c) and (d).</p> <p>d. Before September 9, 2020, if you had a startup, shutdown or malfunction during the reporting period and you took actions consistent with your startup, shutdown, and malfunction plan, the compliance report must include the information in § 63.10(d)(5)(i). On and after September 9, 2020, this paragraph no longer applies.</p>	<p>Semiannually according to the requirements in § 63.8693(b).</p> <p>Semiannually according to the requirements in § 63.8693(b).</p> <p>Semiannually according to the requirements in § 63.8693(b).</p>
6. An immediate startup, shutdown, and malfunction report if you have a startup, shutdown, or malfunction during the reporting period before September 9, 2020, and actions taken were not consistent with your startup, shutdown, and malfunction plan. On and after September 9, 2020, this paragraph no longer applies.	The information in § 63.10(d)(5)(ii) .....	By fax or telephone within 2 working days after starting actions inconsistent with the plan followed by a letter within 7 working days after the end of the event unless you have made alternative arrangements with the permitting authority.
7. Performance test report .....	The information in § 63.7 .....	Within 60 days after completion of the performance test according to the requirements in § 63.8693(f).

[68 FR 24577, May 7, 2003, as amended at 85 FR 14555, Mar. 12, 2020]

TABLE 7 TO SUBPART LLLLL OF PART 63—APPLICABILITY OF GENERAL PROVISIONS TO SUBPART LLLLL

Citation	Subject	Brief description	Applies to subpart LLLLL
§ 63.1 .....	Applicability .....	Initial Applicability Determination; Applicability After Standard Established; Permit Requirements; Extensions, Notifications.	Yes.
§ 63.2 .....	Definitions .....	Definitions for part 63 standards .....	Yes.
§ 63.3 .....	Units and Abbreviations .....	Units and abbreviations for part 63 standards.	Yes.
§ 63.4 .....	Prohibited Activities .....	Prohibited Activities; Compliance date; Circumvention, Severability.	Yes.
§ 63.5 .....	Construction/Reconstruction .....	Applicability; applications; approvals ...	Yes.
§ 63.6(a) .....	Applicability .....	GP apply unless compliance extension GP apply to area sources that become major.	Yes.
§ 63.6(b)(1)–(4) .....	Compliance Dates for New and Reconstructed sources.	Standards apply at effective date; 3 years after effective date; upon startup; 10 years after construction or reconstruction commences for section 112(f).	Yes.
§ 63.6(b)(5) .....	Notification .....	Must notify if commenced construction or reconstruction after proposal.	Yes.
§ 63.6(b)(6) .....	[Reserved].		
§ 63.6(b)(7) .....	Compliance Dates for New and Reconstructed Area Sources That Become Major.	Area sources that become major must comply with major source standards immediately upon becoming major, regardless of whether required to comply when they were an area source.	Yes.

Environmental Protection Agency

Pt. 63, Subpt. LLLL, Table 7

Citation	Subject	Brief description	Applies to subpart LLLL
§ 63.6(c)(1)–(2) .....	Compliance Dates for Existing Sources.	1. Comply according to date in subpart, which must be no later than 3 years after effective date. 2. For section 112(f) standards, comply within 90 days of effective date unless compliance extension has been granted.	Yes.
§ 63.6(c)(3)–(4) .....	[Reserved].		
§ 63.6(c)(5) .....	Compliance Dates for Existing Area Sources That Become Major.	Area sources that become major must comply with major source standards by date indicated in subpart or by equivalent time period (for example, 3 years).	Yes.
§ 63.6(d) .....	[Reserved].		
§ 63.6(e)(1)(i) .....	Operation & Maintenance .....	Operate to minimize emissions at all times.	Yes before September 9, 2020. No on and after September 9, 2020. See § 63.8685(b) for general duty requirement.
§ 63.6(e)(1)(ii) .....	Operation & Maintenance .....	Correct malfunctions as soon as practicable.	Yes before September 9, 2020. No on and after September 9, 2020.
§ 63.6(e)(1)(iii) .....	Operation & Maintenance .....	Operation and maintenance requirements independently enforceable; information Administrator will use to determine if operation and maintenance requirements were met.	Yes.
§ 63.6(e)(2) .....	[Reserved].		
§ 63.6(e)(3) .....	Startup, Shutdown, and Malfunction (SSM) Plan (SSMP).	1. Requirement for SSM and startup, shutdown, malfunction plan. 2. Content of SSMP.	Yes before September 9, 2020. No on and after September 9, 2020.
§ 63.6(f)(1) .....	Compliance Except During SSM .....	You must comply with emission standards at all times except during SSM.	Yes before September 9, 2020. No on and after September 9, 2020.
§ 63.6(f)(2)–(3) .....	Methods for Determining Compliance	Compliance based on performance test, operation and maintenance plans, records, inspection.	Yes.
§ 63.6(g)(1)–(3) .....	Alternative Nonopacity Standard .....	Procedures for getting an alternative nonopacity standard.	Yes.
§ 63.6(h) .....	Opacity/Visible Emission (VE) Standards.	Requirements for opacity and VE limits.	Yes.
§ 63.6(h)(1) .....	Compliance with Opacity/VE Standards.	You must comply with opacity/VE emission limitations at all times except during SSM.	Yes before September 9, 2020. No on and after September 9, 2020.
§ 63.6(h)(2)(i) .....	Determining Compliance with Opacity/VE Standards.	If standard does not state test method, use EPA test method 9, 40 CFR 60, appendix A for opacity and EPA test method 22, 40 CFR 60, appendix A for VE.	No. The test methods for opacity and visible emissions are specified in § 63.8687.
§ 63.6(h)(2)(ii) .....	[Reserved].		
§ 63.6(h)(2)(iii) .....	Using Previous Tests to Demonstrate Compliance with Opacity/VE Standards.	Criteria for when previous opacity/VE testing can be used to show compliance with this rule.	Yes.
§ 63.6(h)(3) .....	[Reserved].		
§ 63.6(h)(4) .....	Notification of Opacity/VE Observation Date.	Must notify Administrator of anticipated date of observation.	Yes.
§ 63.6(h)(5)(i), (iii)–(v) .....	Conducting Opacity/VE Observations	Dates and Schedule for conducting opacity/VE observations.	Yes.
§ 63.6(h)(5)(ii) .....	Opacity Test Duration and Averaging Times.	Must have at least 3 hours of observation with thirty 6-minute averages.	Yes.
§ 63.6(h)(6) .....	Records of Conditions During Opacity/VE Observations.	Must keep records available and allow Administrator to inspect.	Yes.
§ 63.6(h)(7)(i) .....	Report COMS Monitoring Data from Performance Test.	Must submit COMS data with other performance test data.	Yes, if COMS used.

Pt. 63, Subpt. LLLLL, Table 7

40 CFR Ch. I (7–1–21 Edition)

Citation	Subject	Brief description	Applies to subpart LLLLL
§ 63.6(h)(7)(ii) .....	Using COMS instead of EPA test method 9, 40 CFR 60, appendix A.	Can submit COMS data instead of EPA test method 9, 40 CFR 60, appendix A results even if rule requires EPA test method 9, 40 CFR 60, appendix A, but must notify Administrator before performance test.	Yes, if COMS used.
§ 63.6(h)(7)(iii) .....	Averaging time for COMS during performance test.	To determine compliance, must reduce COMS data to 6-minute averages.	Yes, if COMS used.
§ 63.6(h)(7)(iv) .....	COMS requirements .....	Owner/operator must demonstrate that COMS performance evaluations are conducted according to § 63.8(e), COMS are properly maintained and operated according to § 63.8(c) and data quality as § 63.8(d).	Yes, if COMS used.
§ 63.6(h)(7)(v) .....	Determining Compliance with Opacity/VE Standards.	COMS is probative but not conclusive evidence of compliance with opacity standard, even if EPA test method 9, 40 CFR 60, appendix A observation shows otherwise. Requirements for COMS to be probative evidence, proper maintenance, meeting PS 1, and data have not been altered.	Yes, if COMS used.
§ 63.6(h)(8) .....	Determining Compliance with Opacity/VE Standards.	Administrator will use all COMS, EPA test method 9, 40 CFR 60, appendix A, and EPA test method 22, 40 CFR 60, appendix A results, as well as information about operation and maintenance to determine compliance.	Yes.
§ 63.6(h)(9) .....	Adjusted Opacity Standard .....	Procedures for Administrator to adjust an opacity standard.	Yes.
§ 63.6(i) .....	Compliance Extension .....	Procedures and criteria for Administrator to grant compliance extension.	Yes.
§ 63.6(j) .....	Presidential Compliance Exemption ...	President may exempt source category from requirement to comply with rule.	Yes.
§ 63.7(a)(1)–(2) .....	Performance Test Dates .....	Dates for conducting initial performance testing and other compliance demonstrations. Must conduct 180 days after first subject to rule.	Yes.
§ 63.7(a)(3) .....	Section 114 Authority .....	Administrator may require a performance test under CAA section 114 at any time.	Yes.
§ 63.7(b)(1) .....	Notification of Performance Test .....	Must notify Administrator 60 days before the test.	Yes.
§ 63.7(b)(2) .....	Notification of Rescheduling .....	If rescheduling a performance test is necessary, must notify Administrator 5 days before scheduled date of rescheduled date.	Yes.
§ 63.7(c) .....	Quality Assurance/Test Plan .....	1. Requirement to submit site-specific test plan 60 days before the test or on date Administrator agrees with: 2. Test plan approval procedures ..... 3. Performance audit requirements ..... 4. Internal and external QA procedures for testing.	Yes.
§ 63.7(d) .....	Testing Facilities .....	Requirements for testing facilities	Yes.
§ 63.7(e)(1) .....	Conditions for Conducting Performance Tests.	1. Performance tests must be conducted under representative conditions. Cannot conduct performance tests during SSM. 2. Not a violation to exceed standard during SSM.	Yes before September 9, 2020. No on and after September 9, 2020. See § 63.8687.
§ 63.7(e)(2) .....	Conditions for Conducting Performance Tests.	Must conduct according to rule and EPA test methods unless Administrator approves alternative.	Yes.
§ 63.7(e)(3) .....	Test Run Duration .....	1. Must have three test runs of at least 1 hour each. 2. Compliance is based on arithmetic mean of three runs. 3. Conditions when data from an additional test run can be used.	Yes.



**Environmental Protection Agency**

**Pt. 63, Subpt. LLLLL, Table 7**

Citation	Subject	Brief description	Applies to subpart LLLLL
§ 63.7(e)(4) .....	Conduct of performance tests .....	Administrator's authority to require testing under section 114 of the Act.	Yes.
§ 63.7(f) .....	Alternative Test Method .....	Procedures by which Administrator can grant approval to use an alternative test method.	Yes.
§ 63.7(g) .....	Performance Test Data Analysis .....	1. Must include raw data in performance test report. 2. Must submit performance test data 60 days after end of test with the Notification of Compliance Status. 3. Keep data for 5 years .....	Yes.
§ 63.7(h) .....	Waiver of Tests .....	Procedures for Administrator to waive performance test.	Yes.
§ 63.8(a)(1) .....	Applicability of Monitoring Requirements.	Subject to all monitoring requirements in standard.	Yes.
§ 63.8(a)(2) .....	Performance Specifications .....	Performance Specifications in appendix B of part 60 apply.	Yes, if CEMS used.
§ 63.8(a)(3) .....	[Reserved]		
§ 63.8(a)(4) .....	Monitoring with Flares .....	Unless your rule says otherwise, the requirements for flares in § 63.11 apply.	Yes.
§ 63.8(b)(1) .....	Monitoring .....	Must conduct monitoring according to standard unless Administrator approves alternative.	Yes.
§ 63.8(b)(2)–(3) .....	Multiple Effluents and Multiple Monitoring Systems.	1. Specific requirements for installing monitoring systems. 2. Must install on each effluent before it is combined and before it is released to the atmosphere unless Administrator approves otherwise. 3. If more than one monitoring system on an emission point, must report all monitoring system results, unless one monitoring system is a backup.	Yes.
§ 63.8(c)(1)(i) .....	Routine and predictable CMS malfunction.	1. Keep parts for routine repairs readily available. 2. Reporting requirements for CMS malfunction when action is described in SSM plan.	Yes before September 9, 2020. No on and after September 9, 2020.
§ 63.8(c)(1)(ii) .....	CMS malfunction not in SSP plan .....	Keep the necessary parts for routine repairs if CMS.	Yes.
§ 63.8(c)(1)(iii) .....	Compliance with Operation and Maintenance Requirements.	Develop a written startup, shutdown, and malfunction plan for CMS.	Yes before September 9, 2020. No on and after September 9, 2020.
§ 63.8(c)(2)–(3) .....	Monitoring System Installation .....	1. Must install to get representative emission and parameter measurements. 2. Must verify operational status before or at performance test.	Yes.
§ 63.8(c)(4) .....	CMS Requirements .....	CMS must be operating except during breakdown, out-of-control, repair, maintenance, and high-level calibration drifts.	No; § 63.8690 specifies the CMS requirements.
§ 63.8(c)(4)(i)–(ii) .....	CMS Requirements .....	1. COMS must have a minimum of one cycle of sampling and analysis for each successive 10-second period and one cycle of data recording for each successive 6-minute period. 2. CEMS must have a minimum of one cycle of operation for each successive 15-minute period.	Yes, if COMS used.
§ 63.8(c)(5) .....	COMS Minimum Procedures .....	COMS minimum procedures	Yes.
§ 63.8(c)(6) .....	CMS Requirements .....	Zero and High level calibration check requirements.	No; § 63.8688 specifies the CMS requirements.
§ 63.8(c)(7)–(8) .....	CMS Requirements .....	Out-of-control periods, including reporting.	Yes.

Pt. 63, Subpt. LLLLL, Table 7

40 CFR Ch. I (7-1-21 Edition)

Citation	Subject	Brief description	Applies to subpart LLLLL
§ 63.8(d)	CMS Quality Control	1. Requirements for CMS quality control, including calibration, etc. 2. Must keep quality control plan on record for the life of the affected source. 3. Keep old versions for 5 years after revisions.	Yes.
§ 63.8(e)	CMS Performance Evaluation	Notification, performance evaluation test plan, reports.	No; § 63.8688 specifies the CMS requirements.
§ 63.8(f)(1)–(5)	Alternative Monitoring Method	Procedures for Administrator to approve alternative monitoring.	Yes.
§ 63.8(f)(6)	Alternative to Relative Accuracy Test	Procedures for Administrator to approve alternative relative accuracy tests for CEMS.	Yes, if CEMS used.
§ 63.8(g)(1)–(4)	Data Reduction	1. COMS 6-minute averages calculated over at least 36 evenly spaced data points. 2. CEMS 1-hour averages computed over at least 4 equally spaced data points.	Yes, if CEMS or COMS used.
§ 63.8(g)(5)	Data Reduction	Data that cannot be used in computing averages for CMS.	No; § 63.8690 specifies the CMS requirements.
§ 63.9(a)	Notification Requirements	Applicability and State Delegation	Yes.
§ 63.9(b)(1)–(5)	Initial Notifications	1. Submit notification 120 days after effective date. 2. Notification of intent to construct/reconstruct; notification of commencement of construct/reconstruct; notification of startup. 3. Contents of each	Yes.
§ 63.9(c)	Request for Compliance Extension	Can request if cannot comply by date or if installed Best Achievable Control Technology (BACT)/Lowest Achievable Emission Rate (LAER).	Yes.
§ 63.9(d)	Notification of Special Compliance Requirements for New Source.	For sources that commence construction between proposal and promulgation and want to comply 3 years after effective date.	Yes.
§ 63.9(e)	Notification of Performance Test	Notify Administrator 60 days prior	Yes.
§ 63.9(f)	Notification of VE/Opacity Test	Notify Administrator 30 days prior	Yes.
§ 63.9(g)	Additional Notifications When Using CMS.	1. Notification of performance evaluation. 2. Notification using COMS data 3. Notification that the criterion for use of alternative to relative accuracy testing was exceeded.	No; § 63.8692 specifies the CMS notification requirements.
§ 63.9(h)(1)–(6)	Notification of Compliance Status	1. Contents. 2. Due 60 days after end of performance test or other compliance demonstration, except for opacity/VE, which are due 30 days after. 3. When to submit to Federal vs. State authority.	Yes.
§ 63.9(i)	Adjustment of Submittal Deadlines	Procedures for Administrator to approve change in dates when notifications must be submitted.	Yes.
§ 63.9(j)	Change in Previous Information	Must submit within 15 days after the change.	Yes.
§ 63.9(k)	Electronic reporting procedures	Electronic reporting procedures for notifications per § 63.9(j).	Yes.
§ 63.10(a)	Recordkeeping/Reporting	1. Applies to all, unless compliance extension. 2. When to submit to Federal vs. State authority. 3. Procedures for owners of more than 1 source.	Yes.
§ 63.10(b)(1)	Recordkeeping/Reporting	1. General Requirements 2. Keep all records readily available. 3. Keep for 5 years	Yes.

Environmental Protection Agency

Pt. 63, Subpt. LLLL, Table 7

Citation	Subject	Brief description	Applies to subpart LLLL
§ 63.10(b)(2)(i) .....	Records related to Startup and Shutdown.	Occurrence of each of operation (process equipment).	Yes before September 9, 2020. No on and after September 9, 2020.
§ 63.10(b)(2)(ii) .....	Recordkeeping Relevant to Malfunction Periods and CMS.	Occurrence of each malfunction of air pollution equipment.	Yes before September 9, 2020. No on and after September 9, 2020.
§ 63.10(b)(2)(iii) .....	Recordkeeping Relevant to Maintenance of Air Pollution Control and Monitoring Equipment.	Maintenance on air pollution control equipment.	Yes.
§ 63.10(b)(2)(iv) .....	Recordkeeping Relevant to Startup, Shutdown, and Malfunction Periods and CMS.	Actions during startup, shutdown, and malfunction.	Yes before September 9, 2020. No on and after September 9, 2020.
§ 63.10(b)(2)(v) .....	Recordkeeping Relevant to Startup, Shutdown, and Malfunction Periods and CMS.	Actions during startup, shutdown, and malfunction.	Yes before September 9, 2020. No on and after September 9, 2020.
§ 63.10(b)(2)(vi) and (x-xi).	CMS Records .....	1. Malfunctions, inoperative, out-of-control. 2. Calibration checks .....	Yes.
§ 63.10(b)(2)(vii)-(ix)	Records .....	3. Adjustments, maintenance .....	Yes.
§ 63.10(b)(2)(xii) .....	Records .....	1. Measurements to demonstrate compliance with emission limitations.	Yes.
§ 63.10(b)(2)(xiii) .....	Records .....	2. Performance test, performance evaluation, and visible emission observation results.	Yes.
§ 63.10(b)(2)(xiv) .....	Records .....	3. Measurements to determine conditions of performance tests and performance evaluations.	Yes.
§ 63.10(b)(3) .....	Records .....	Records when under waiver .....	Yes.
§ 63.10(c)(1)-(6), (9)-(15).	Records .....	Records when using alternative to relative accuracy test.	Yes.
§ 63.10(c)(7)-(8) .....	Records .....	All documentation supporting Initial Notification and Notification of Compliance Status.	Yes.
§ 63.10(d)(1) .....	General Reporting Requirements .....	Applicability determinations .....	Yes.
§ 63.10(d)(2) .....	Report of Performance Test Results ...	Additional records for CMS .....	No; § 63.8694 specifies the CMS recordkeeping requirements.
§ 63.10(d)(3) .....	Reporting Opacity or VE Observations	Records of excess emissions and parameter monitoring exceedances for CMS.	No; § 63.8694 specifies the CMS recordkeeping requirements.
§ 63.10(d)(4) .....	Progress Reports .....	Requirement to report .....	Yes.
§ 63.10(d)(5) .....	Startup, Shutdown, and Malfunction Reports.	When to submit to Federal or State authority.	Yes.
§ 63.10(e)(1), (2) .....	Additional CMS Reports .....	What to report and when .....	Yes.
§ 63.10(e)(3) .....	Reports .....	Must submit progress reports on schedule if under compliance extension.	Yes.
§ 63.10(e)(3)(i)-(iii) ....	Reports .....	Contents and submission .....	Yes before September 9, 2020. No on and after September 9, 2020.
		1. Must report results for each CEM on a unit. 2. Written copy of performance evaluation. 3. Three copies of COMS performance evaluation.	Yes.
		Excess emission reports .....	No; § 63.8693 specifies the reporting requirements.
		Schedule for reporting excess emissions and parameter monitor exceedances (now defined as deviations).	No; § 63.8693 specifies the reporting requirements.

Citation	Subject	Brief description	Applies to subpart LLLLL
§ 63.10(e)(3)(iv)–(v) ...	Excess Emissions Reports .....	1. Requirement to revert to the frequency specified in the relevant standard if there is an excess emissions and parameter monitor exceedances (now defined as deviations). 2. Provision to request semiannual reporting after compliance for one year. 3. Submit report by 30th day following end of quarter or calendar half. 4. If there has not been an exceedance or excess emission (now defined as deviations), report content is a statement that there have been no deviations.	No; § 63.8693 specifies the reporting requirements.
§ 63.10(e)(3)(iv)–(v) ...	Excess Emissions Reports .....	Must submit report containing all of the information in § 63.10(c)(5)(13), § 63.8(c)(7)–(8).	No; § 63.8693 specifies the reporting requirements.
§ 63.10(e)(3)(vi)–(viii)	Excess Emissions Report and Summary Report.	1. Requirements for reporting excess emissions for CMS (now called deviations). 2. Requires all of the information in § 63.10(c)(5)(13), § 63.8(c)(7)–(8).	No; § 63.8693 specifies the reporting requirements.
§ 63.10(e)(4) .....	Reporting COMS data .....	Must submit COMS data with performance test data.	Yes, if COMS used.
§ 63.10(f) .....	Waiver for Recordkeeping/Reporting ...	Procedures for Administrator to waive	Yes.
§ 63.11 .....	Flares .....	Requirements for flares .....	Yes.
§ 63.12 .....	Delegation .....	State authority to enforce standards ...	Yes.
§ 63.13 .....	Addresses .....	Addresses where reports, notifications, and requests are sent.	Yes.
§ 63.14 .....	Incorporation by Reference .....	Test methods incorporated by reference.	Yes.
§ 63.15 .....	Availability of Information .....	Public and confidential information .....	Yes.

[68 FR 24577, May 7, 2003, as amended at 71 FR 20469, Apr. 20, 2006; 85 FR 14556, Mar. 12, 2020; 85 FR 73916, Nov. 19, 2020]

**Subpart M-----National Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Fabrication Operations**

SOURCE: 68 FR 18070, Apr. 14, 2003, unless otherwise noted.

WHAT THIS SUBPART COVERS

**§ 63.8780 What is the purpose of this subpart?**

This subpart establishes national emission standards for hazardous air pollutants (NESHAP) emitted from flexible polyurethane foam fabrication operations. This subpart also establishes requirements to demonstrate initial and continuous compliance with the emission standards.

**§ 63.8782 Am I subject to this subpart?**

(a) You are subject to this subpart if you own or operate a flexible polyurethane foam fabrication plant site that operates a flame lamination affected source, as defined at

§ 63.8784(b)(2), and that is located at, or is part of a major emission source of hazardous air pollutants (HAP) or that operates a loop slitter affected source, as defined at § 63.8784(b)(1), that meets the criteria in paragraphs (a)(1) and (2) of this section.

(1) The loop slitter affected source uses one or more HAP-based adhesives at any time on or after April 14, 2003.

(2) The loop slitter affected source is located at or is part of a major source of HAP.

(b) A flexible polyurethane foam fabrication plant site is a plant site where pieces of flexible polyurethane foam are bonded together or to other substrates using HAP-based adhesives or flame lamination.

(c) A major source of HAP is a plant site that emits or has the potential to emit any single HAP at a rate of 10