

Environmental Protection Agency

§ 63.11428

TABLE 1 TO SUBPART P P P P P OF PART 63—APPLICABILITY OF GENERAL PROVISIONS TO SUBPART P P P P P

As required in § 63.11425, you must comply with the requirements of the NESHP General Provisions (40 CFR part 63, subpart A) as shown in the following table.

Citation	Subject	Applies to Subpart P P P P P?	Explanation
63.1	Applicability	Yes.	
63.2	Definitions	Yes.	
63.3	Units and Abbreviations.		
63.4	Prohibited Activities and Circumvention.	Yes.	
63.5	Preconstruction Review and Notification Requirements.	No.	
63.6(a)–(d), (e)(1), (f)–(j)	Compliance with Standards and Maintenance Requirements.	Yes.	
63.6(e)(3)		No	Subpart P P P P P does not require a startup, shutdown, and malfunction plan.
63.7	Performance Testing Requirements.	Yes.	
63.8	Monitoring Requirements	Yes.	
63.9	Notification Requirements	Yes.	
63.10(a)–(c), (d)(1)–(4), (e), (f).	Recordkeeping and Reporting Requirements.	Yes.	
63.10(d)(5)		No	Subpart P P P P P does not require a startup, shutdown, and malfunction plan.
63.11	Control Device Requirements.	No	Subpart P P P P P does not require flares.
63.12	State Authorities and Delegations.	Yes.	
63.13	Addresses	Yes.	
63.14	Incorporations by Reference.	Yes.	
63.15	Availability of Information and Confidentiality.	Yes.	
63.16	Performance Track Provisions.	Yes.	
63.1(a)(5), (a)(7)–(9), (b)(2), (c)(3), (d), 63.6(b)(6), (c)(3), (c)(4), (d), (e)(2), (e)(3)(ii), (h)(3), (h)(5)(iv), 63.8(a)(3), 63.9(b)(3), (h)(4), 63.10(c)(2)–(c)(4), (c)(9).	Reserved	No.	

[72 FR 38913, July 16, 2007, as amended at 73 FR 15929, Mar. 26, 2008]

APPLICABILITY AND COMPLIANCE DATES

§ 63.11428 Am I subject to this subpart?

Subpart Q Q Q Q Q—National Emission Standards for Hazardous Air Pollutants for Wood Preserving Area Sources

SOURCE: 72 FR 38915, July 16, 2007, unless otherwise noted.

(a) You are subject to this subpart if you own or operate a wood preserving operation that is an area source of hazardous air pollutant (HAP) emissions.

(b) The affected source is each new or existing wood preserving operation.

(1) An affected source is existing if you commenced construction or reconstruction of the affected source on or before April 4, 2007.

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(2) An affected source is new if you commenced construction or reconstruction of the affected source after April 4, 2007.

(c) You are exempt from the obligation to obtain a permit under 40 CFR part 70 or 40 CFR part 71, provided you are not otherwise required by law to obtain a permit under 40 CFR 70.3(a) or 40 CFR 71.3(a). Notwithstanding the previous sentence, you must continue to comply with the provisions of this subpart.

§ 63.11429 What are my compliance dates?

(a) If you have an existing affected source, you must achieve compliance with applicable provisions in this subpart by July 16, 2007.

(b) If you startup a new affected source on or before July 16, 2007, you must achieve compliance with applicable provisions in this subpart not later than July 16, 2007.

(c) If you startup a new affected source after July 16, 2007, you must achieve compliance with applicable provisions in this subpart upon initial startup.

STANDARDS

§ 63.11430 What are the standards?

(a) If you use a pressure treatment process with any wood preservative containing chromium, arsenic, dioxins, or methylene chloride at a new or existing area source, the preservative must be applied to the wood product inside a retort or similarly enclosed vessel.

(b) If you use a thermal treatment process with any wood preservative containing chromium, arsenic, dioxins, or methylene chloride at a new or existing area source, the preservative must be applied using process treatment tanks equipped with an air scavenging system to control emissions.

(c) If you use any wood preservative containing chromium, arsenic, dioxins, or methylene chloride at a new or existing area source, you must prepare and operate according to a management practice plan to minimize air emissions from the preservative treatment of wood at a new or existing area source. You may use your standard op-

erating procedures to meet the requirements for a management practice plan if it includes the minimum activities required for a management practice plan. The management practice plan must include, but is not limited to, the following activities:

- (1) Minimize preservative usage;
- (2) Maintain records on the type of treatment process and types and amounts of wood preservatives used at the facility;
- (3) For the pressure treatment process, maintain charge records identifying pressure reading(s) inside the retorts (or similarly enclosed vessel);
- (4) For the thermal treatment process, maintain records that the air scavenging system is in place and operated properly during the treatment process;
- (5) Store treated wood product on drip pads or in a primary containment area to convey preservative drippage to a collection system until drippage has ceased;
- (6) For the pressure treatment process, fully drain the retort to the extent practicable, prior to opening the retort door;
- (7) Promptly collect any spills; and
- (8) Perform relevant corrective actions or preventative measures in the event of a malfunction before resuming operations.

§ 63.11431 [Reserved]

OTHER REQUIREMENTS AND INFORMATION

§ 63.11432 What General Provisions apply to this subpart?

(a) If you own or operate a new or existing affected source that uses any wood preservative containing chromium, arsenic, dioxins, or methylene chloride, you must comply with the requirements of the General Provisions in 40 CFR part 63, subpart A, according to Table 1 to this subpart.

(b) If you own or operate a new or existing affected source that uses any wood preservative containing chromium, arsenic, dioxins, or methylene chloride, you must submit an initial notification of applicability required by § 63.9(b)(2) no later than 90 days after the applicable compliance date specified in § 63.11429, or no later than 90 days after the source becomes subject to this subpart, whichever is later.

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The initial notification may be combined with the notification of compliance status required in paragraph (c) of this section. The notification of applicability must include the following information:

(1) The name and address of the owner or operator;

(2) The address (i.e., physical location) of the affected source; and

(3) An identification of the relevant standard, or other requirement, that is the basis of the notification and the source's compliance date.

(c) If you own or operate a new or existing affected source that uses any wood preservative containing chromium, arsenic, dioxins, or methylene chloride, you must submit a notification of compliance status required by § 63.9(h) no later than 90 days after the applicable compliance date specified in § 63.11429, or no later than 90 days after the source becomes subject to this subpart, whichever is later. Your notification of compliance status must include this certification of compliance, signed by a responsible official, for the standards in § 63.11430: "This facility complies with the management practices to minimize air emissions from the preservative treatment of wood in accordance with § 63.11430."

(d) You must report any deviation from the requirements of this subpart within 30 days of the deviation.

[72 FR 38915, July 16, 2007, as amended at 73 FR 15929, Mar. 26, 2008; 85 FR 73920, Nov. 19, 2020]

§ 63.11433 What definitions apply to this subpart?

Terms used in this subpart are defined in the Clean Air Act, § 63.2, and in this section as follows:

Air scavenging system means an air collection and control system that collects and removes vapors from a thermal treatment process vessel and vents the emissions to a vapor recovery tank that collects condensate from the vapors.

Chromated copper arsenate (CCA) means a chemical wood preservative consisting of mixtures of water-soluble chemicals containing metal oxides of chromium, copper, and arsenic. CCA is used in pressure treated wood to pro-

tect wood from rotting due to insects and microbial agents.

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 emissions limitation or management practice;

(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) Fails to meet any emissions limitation or management practice in this subpart during startup, shutdown, or malfunction, regardless of whether or not such failure is permitted by this subpart.

Pressure treatment process means a wood treatment process involving an enclosed vessel, usually a retort, and the application of pneumatic or hydrostatic pressure to expedite the movement of preservative liquid into the wood.

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

Retort means an airtight pressure vessel, typically a long horizontal cylinder, used for the pressure impregnation of wood products with a liquid wood preservative.

Thermal treatment process means a non-pressurized wood treatment process where the wood is exposed to a heated preservative.

Wood preserving means the pressure or thermal impregnation of chemicals into wood to provide effective long-term resistance to attack by fungi, bacteria, insects, and marine borers.

§ 63.11434 Who implements and enforces this subpart?

(a) This subpart can be implemented and enforced by the U.S. EPA or a delegated authority such as a State, local, or tribal agency. If the U.S. EPA Administrator has delegated authority to a State, local, or tribal agency pursuant to 40 CFR part 63, subpart E, then that Agency has the authority to implement and enforce this subpart. You should contact your U.S. EPA Regional

Office to find out if this subpart is delegated to your State, local, or tribal agency.

(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 authorities contained in paragraphs (b)(1) through (4) of this section are retained by the Administrator of the U.S. EPA and are not transferred to the State, local, or tribal agency.

(1) Approval of an alternative non-opacity emissions standard under § 63.6(g).

(2) Approval of a major change to test methods under § 63.7(e)(2)(ii) and (f). A “major change to test method” is defined in § 63.90

(3) Approval of a major change to monitoring under § 63.8(f). A “major change to monitoring” is defined in § 63.90.

(4) Approval of a major change to recordkeeping/reporting under § 63.10(f). A “major change to recordkeeping/reporting” is defined in § 63.90.

[72 FR 38915, July 16, 2007, as amended at 73 FR 15929, Mar. 26, 2008]

TABLE 1 TO SUBPART QQQQQ OF PART 63—APPLICABILITY OF GENERAL PROVISIONS TO SUBPART QQQQQ

As required in § 63.11432, you must comply with the requirements of the NESHAP General Provisions (40 CFR part 63, subpart A) as shown in the following table.

Citation	Subject	Applies to subpart QQQQQ?	Explanation
63.1(a)(1), (a)(2), (a)(3), (a)(4), (a)(6), (a)(10)–(a)(12)(b)(1), (b)(3), (c)(1), (c)(2), (c)(5), (e).	Applicability	Yes.	
63.1(a)(5), (a)(7)–(a)(9), (b)(2), (c)(3), (c)(4), (d).	Reserved	No.	
63.2	Definitions	Yes.	
63.3	Units and Abbreviations ...	Yes.	
63.4	Prohibited Activities and Circumvention.	Yes.	
63.5	Preconstruction Review and Notification Requirements.	No.	
63.6(a), (b)(1)–(b)(5), (b)(7), (c)(1), (c)(2), (c)(5), (e)(1), (i), (j).	Compliance with Standards and Maintenance Requirements.	Yes.	
63.6(e)(3)(i), (e)(3)(iii)–(e)(3)(ix), (f), (g), (h)(1), (h)(2), (h)(4), (h)(5)(i)–(h)(5)(iii), (h)(5)(v), (h)(6)–(h)(9).	No	Subpart QQQQQ does not require a startup, shutdown, and malfunction plan or contain emission or opacity limits..	
63.6(b)(6), (c)(3), (c)(4), (d), (e)(2), (e)(3)(ii), (h)(3), (h)(5)(iv).	Reserved	No.	
63.7	Performance Testing Requirements.	No	Subpart QQQQQ does not require performance tests.
63.8(a)(1), (a)(2), (a)(4), (b), (c), (d), (e), (f), (g).	Monitoring Requirements	No	Subpart QQQQQ does not require monitoring of emissions.
63.8(a)(3)	Reserved	No.	
63.9(a), (b)(1), (b)(2), (b)(4), (b)(5), (c), (d), (h)(1), (h)(6), (i), (j).	Notification Requirements	Yes.	
63.9(b)(2)(i)–(b)(2)(v), (h)(2)(i)–(h)(2)(iii), (h)(3), (h)(5).		Yes.	
63.9(e), (f), (g)	Reserved	No.	
63.9(b)(3), (h)(4)	Reserved	No.	
63.10(a), (b), (c)(1), (c)(5)–(c)(8), (c)(10)–(c)(14), (d), (e), (f).	Recordkeeping and Reporting Requirements.	No	Subpart QQQQQ establishes requirements for a report of deviations within 30 days.
63.10(c)(2)–(c)(4), (c)(9)	Reserved	No.	
63.11	Control Device Requirements.	No	Subpart QQQQQ does not require flares.

Citation	Subject	Applies to subpart QQQQQQ?	Explanation
63.12	State Authorities and Delegations.	Yes.	
63.13	Addresses	Yes.	
63.14	Incorporations by Reference.	Yes.	
63.15	Availability of Information and Confidentiality.	Yes.	
63.16	Performance Track Provisions.	Yes.	

[72 FR 38915, July 16, 2007, as amended at 73 FR 15929, Mar. 26, 2008]

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

SOURCE: 72 FR 73197, Dec. 26, 2007, unless otherwise noted.

APPLICABILITY AND COMPLIANCE DATES

§ 63.11435 Am I subject to this subpart?

(a) You are subject to this subpart if you own or operate a clay ceramics manufacturing facility (as defined in § 63.11444), with an atomized glaze spray booth or kiln that fires glazed ceramic ware, that processes more than 45 megagrams per year (Mg/yr) (50 tons per year (tpy)) of wet clay and is an area source of hazardous air pollutant (HAP) emissions.

(b) If you are an owner or operator of an area source subject to this subpart, you are exempt from the obligation to obtain a permit under 40 CFR part 70 or 71, provided you are not required to obtain a permit under 40 CFR 70.3(a) or 71.3(a) for a reason other than your status as an area source under this subpart. You must continue to comply with the provisions of this subpart applicable to area sources.

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

(a) This subpart applies to any existing or new affected source located at a clay ceramics manufacturing facility.

(b) The affected source includes all atomized glaze spray booths and kilns that fire glazed ceramic ware located

at a clay ceramics manufacturing facility.

(c) An affected source is existing if you commenced construction or reconstruction of the affected source on or before September 20, 2007.

(d) An affected source is new if you commenced construction or reconstruction of the affected source after September 20, 2007.

§ 63.11437 What are my compliance dates?

(a) If you have an existing affected source, you must comply with the standards no later than December 26, 2007.

(b) If you have a new affected source, you must comply with this subpart according to paragraphs (b)(1) and (2) of this section.

(1) If you start up your affected source on or before December 26, 2007, you must comply with this subpart no later than December 26, 2007.

(2) If you start up your affected source after December 26, 2007, you must comply with this subpart upon initial startup of your affected source.

STANDARDS, COMPLIANCE, AND MONITORING REQUIREMENTS

§ 63.11438 What are the standards for new and existing sources?

(a) For each kiln that fires glazed ceramic ware, you must maintain the peak temperature below 1540 °C (2800 °F) and comply with one of the management practices in paragraphs (a)(1) and (2) of this section:

- (1) Use natural gas, or equivalent clean-burning fuel, as the kiln fuel; or
- (2) Use an electric-powered kiln.

(b) You must maintain annual wet glaze usage records for your facility.