

§ 63.1580

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	Ideal calibration response	Current analyzer calibration response	Accuracy error (percent of ideal)
Accuracy Standard.			

Figure 2. Data Recording Sheet for System Calibration Drift Data.

[70 FR 6970, Feb. 9, 2005, as amended at 80 FR 75325, Dec. 1, 2015]

Subpart VVV—National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works

SOURCE: 64 FR 57579, Oct. 26, 1999, unless otherwise noted.

APPLICABILITY

§ 63.1580 Am I subject to this subpart?

(a) You are subject to this subpart if the following are all true:

(1) You own or operate a publicly owned treatment works (POTW) that includes an affected source (§63.1595);

(2) The affected source is located at a POTW which is a major source of HAP emissions, or at any industrial POTW regardless of whether or not it is a major source of HAP; and

(3) Your POTW is required to develop and implement a pretreatment program as defined by 40 CFR 403.8 (for a POTW owned or operated by a municipality, State, or intermunicipal or interstate agency), or your POTW would meet the general criteria for development and implementation of a pretreatment program (for a POTW owned or operated by a department, agency, or instrumentality of the Federal government).

(b) If your existing POTW treatment plant is not located at a major source as of October 26, 1999, but thereafter becomes a major source for any reason other than reconstruction, then, for the purpose of this subpart, your POTW treatment plant would be considered an existing source. Note to Paragraph (b): See §63.2 of the national emission standards for hazardous air pollutants (NESHAP) General Provisions in subpart A of this part for the definitions of major source and area source.

(c) If you reconstruct your POTW treatment plant, then the requirements for a new or reconstructed POTW treatment plant, as defined in §63.1595, apply.

[67 FR 64745, Oct. 21, 2002]

§ 63.1581 Does the subpart distinguish between different types of POTW treatment plants?

Yes, POTW treatment plants are divided into two subcategories. A POTW treatment plant which does not meet the characteristics of an industrial POTW treatment plant belongs in the non-industrial POTW treatment plant subcategory as defined in §63.1595.

INDUSTRIAL POTW TREATMENT PLANT DESCRIPTION AND REQUIREMENTS

§ 63.1582 What are the characteristics of an industrial POTW treatment plant?

(a) Your POTW is an industrial POTW treatment plant if an industrial discharger complies with its NESHAP by using the treatment and controls located at your POTW. Your POTW accepts the regulated waste stream and provides treatment and controls as an agent for the industrial discharger. Industrial POTW treatment plant is defined in §63.1595.

(b) If, in the future, an industrial discharger begins complying with its NESHAP by using the treatment and controls at your POTW, then on the date that the industrial discharger certifies compliance, your POTW treatment plant will be considered an industrial POTW treatment plant.

(c) If your POTW treatment plant accepts one or more specific regulated industrial waste streams as part of compliance with one or more other NESHAP, then you are subject to all the requirements of each appropriate NESHAP for each waste stream, as described in the following section. In the case of overlapping NESHAP requirements, the more stringent of the requirements will apply.

§ 63.1583 What are the emission points and control requirements for an industrial POTW treatment plant?

(a) The emission points and control requirements for an existing industrial POTW treatment plant are specified in the appropriate NESHAP(s) for the industrial user(s) (see § 63.1582). For example, an existing industrial POTW treatment plant that provides treatment for a facility subject to subpart FF of this part, the National Emission Standard for Benzene Waste Operations, must meet the treatment and control requirements specified in § 61.348(d)(4) of this chapter.

(b) The emission points and control requirements for a new or reconstructed industrial POTW treatment plant are either those specified by the particular NESHAP(s) which apply to the industrial user(s) who discharge their waste for treatment to the POTW, or those emission points and control requirements set forth in § 63.1586. The set of control requirements which applies to a particular new or reconstructed POTW is that set which requires the most stringent overall control of HAP emissions. If you are uncertain which set of requirements is more stringent, this determination should be made in consultation with the permitting authority. Reconstruction is defined in § 63.1595.

§ 63.1584 When do I have to comply?

(a) *Existing industrial POTW treatment plant.* If you have an existing industrial POTW treatment plant, the appropriate NESHAP(s) for the industrial user(s) sets the compliance date, or the compliance date is 60 days after October 26, 1999, whichever is later.

(b) *New industrial POTW treatment plant.* If you have a new industrial POTW treatment plant, you must be in compliance as soon as you begin accepting the waste stream(s) for treatment. If you begin accepting a specific regulated industrial waste stream(s) for treatment, you must be in compliance by the time specified in the appropriate NESHAP(s) for the industrial user(s).

§ 63.1585 How does an industrial POTW treatment plant demonstrate compliance?

(a) An existing industrial POTW treatment plant demonstrates compliance by operating treatment and control devices which meet all requirements specified in the appropriate industrial NESHAP(s). Requirements may include performance tests, routine monitoring, recordkeeping, and reporting.

(b) If you have a new or reconstructed industrial POTW plant, you must first determine whether the control requirements set forth in the applicable industrial NESHAP(s) or the control requirements applicable to a new or reconstructed nonindustrial POTW under § 63.1586 would require more stringent overall control of HAP emissions. You must then meet whichever set of requirements is more stringent. If you determine that the controls required by the applicable industrial NESHAP(s) are more stringent, you demonstrate compliance by operating treatment and control devices which meet all requirements specified in those industrial NESHAP(s). If you determine that the controls required for a new or reconstructed nonindustrial POTW are more stringent, you demonstrate compliance by meeting all requirements in §§ 63.1586 through 63.1590.

NON-INDUSTRIAL POTW TREATMENT
PLANT REQUIREMENTS**§ 63.1586 What are the emission points and control requirements for a non-industrial POTW treatment plant?**

There are no control requirements for an existing non-industrial POTW treatment plant. There are no control requirements for any new or reconstructed area source non-industrial POTW treatment plant which is not a major source of HAP. The control requirements for a new or reconstructed major source non-industrial POTW treatment plant which is a major source of HAP are as follows:

(a) Covers on the emission points up to, but not including, the secondary influent pumping station or the secondary treatment units. These emission points are treatment units that

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include, but are not limited to, influent waste stream conveyance channels, bar screens, grit chambers, grinders, pump stations, aerated feeder channels, primary clarifiers, primary effluent channels, and primary screening stations. In addition, all covered units, except primary clarifiers, must have the air in the headspace ducted to a control device in accordance with the standards for closed-vent systems and control devices in § 63.693 of subpart DD of this part, except you may substitute visual inspections for leak checks rather than Method 21 of Appendix A of part 60 of this chapter. Reconstruction is defined in § 63.1595.

(1) Covers must be tightly fitted and designed and operated to minimize exposure of the wastewater to the atmosphere. This includes, but is not limited to, the absence of visible cracks, holes, or gaps in the roof sections or between the roof and the supporting wall; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

(2) If wastewater is in a treatment unit, each opening must be maintained in a closed, sealed position, unless plant personnel are present and conducting wastewater or sludge sampling, or equipment inspection, maintenance, or repair.

(b) As an alternative to the requirements in paragraph (a) of this section, you may comply by demonstrating, for all units up to the secondary influent pumping station or the secondary treatment units, that the fraction emitted does not exceed 0.014. You must demonstrate that for your POTW, the sum of all HAP emissions from those units divided by the sum of all HAP mass loadings results in an annual rolling average of the fraction emitted no greater than 0.014. You may use any combination of pretreatment, wastewater treatment plant modifications, and control devices to achieve this performance standard; however, you must demonstrate, to the Administrator's satisfaction that:

(1) You have accurately determined your POTW's annual HAP mass loadings and your POTW's annual HAP emissions as of the date of start-up;

(2) Your POTW meets the fraction emitted standard of 0.014 or less; and

(3) Your POTW has established procedures to demonstrate continuous compliance which are consistent with the criteria set forth in § 63.1588(c)(4).

[64 FR 57579, Oct. 26, 1999, as amended at 66 FR 16142, Mar. 23, 2001; 67 FR 64746, Oct. 21, 2002]

§ 63.1587 When do I have to comply?

If your POTW treatment plant began construction on or after December 1, 1998, you must comply with all provisions of this subpart either immediately upon startup, or by six months after October 26, 1999, whichever date is later.

§ 63.1588 What inspections must I conduct?

(a) If your treatment units are required to have covers, you must conduct the following inspections:

(1) You must visually check the cover and its closure devices for defects that could result in air emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in the roof sections or between the roof and the supporting wall; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

(2) You must perform an initial visual inspection with follow-up inspections at least once per year.

(3) In the event that you find a defect on a treatment unit in use, you must repair the defect within 45 days. If you cannot repair within 45 days, you must notify the EPA or the designated State authority immediately and report the reason for the delay and the date you expect to complete the repair. If you find a defect on a treatment unit that is not in service, you must repair the defect prior to putting the treatment unit back in wastewater service.

(b) If you own or operate a control device used to meet the requirements for § 63.1586, you must comply with the inspection and monitoring requirements of § 63.695(c) of subpart DD of this part.

(c) To comply with the performance standard specified in § 63.1586(b), you

must develop an inspection and monitoring plan. This inspection and monitoring plan must include, at a minimum, the following:

(1) A method to determine, to the satisfaction of the Administrator, the influent HAP mass loading, *i.e.*, the annual mass quantity for each HAP entering the wastewater treatment plant.

(2) A method to determine, to the satisfaction of the Administrator, your POTW's annual HAP emissions for all units up to and including the secondary influent pumping station or up to and not including the secondary treatment units as of October 26, 1999. The method you use to determine your HAP emissions, such as modeling or direct source measurement, must:

(i) Be approved by your EPA Regional Office, State, or local regulatory agency for use at your POTW;

(ii) Account for all factors affecting emissions from your plant including, but not limited to, emissions from wastewater treatment units; emissions resulting from inspection, maintenance, and repair activities; fluctuations (*e.g.*, daily, monthly, annual, seasonal) in your influent wastewater HAP concentrations; annual industrial loading; performance of control devices; or any other factors that could affect your annual HAP emissions; and

(iii) Include documentation that the values and sources of all data, operating conditions, assumptions, etc., used in your method result in an accurate estimation of annual emissions from your plant.

(3) Documentation, to the satisfaction of the Administrator, that your POTW meets the fraction emitted standard of 0.014 or less, *i.e.*, the sum of all HAP emissions from paragraph (c)(2) of this section divided by the sum of all HAP mass loadings from paragraph (c)(1) of this section results in a fraction emitted of 0.014 or less as described in paragraph (c)(4) of this section.

(4) A method to demonstrate, to the satisfaction of the Administrator, that your POTW is in continuous compliance with the requirements of § 63.1586(b). Continuous compliance means that your emissions, when averaged over the course of a year, do not exceed the level of emissions that al-

lows your POTW to comply with § 63.1586(b). For example, you may identify a parameter(s) that you can monitor that assures your emissions, when averaged over the entire year, will meet the requirements in § 63.1586(b). Some example parameters that may be considered for monitoring include your wastewater influent HAP concentration and flow, industrial loading from your permitted industrial dischargers, and your control device performance criteria. Where emission reductions are due to proper operation of equipment, work practices, or other operational procedures, your demonstration must specify the frequency of inspections and the number of days to completion of repairs. You must, at a minimum, perform the following each month to demonstrate that your annual rolling average of the fraction emitted is 0.014 or less:

(i) Determine the average daily flow of the wastewater entering your POTW treatment plant for the month;

(ii) Determine the flow-weighted monthly concentration of each HAP in your influent listed in Table 1 to subpart DD of this part;

(iii) Using the current month's information in paragraphs (c)(4)(i) and (ii) of this section, determine a total annual loading (Mg/year) of each HAP entering your POTW treatment plant;

(iv) Sum up the values in paragraph (c)(4)(iii) of this section and determine a total annual loading value (Mg/year) for all HAP entering your POTW treatment plant for the current month;

(v) Based on the current month's information in paragraph (c)(4)(iii) of this section along with source testing and emission modeling, for each HAP, determine annual emissions (Mg/year) from all wastewater units up to, but not including, secondary treatment units;

(vi) Sum up the values in paragraph (c)(4)(v) of this section and determine the total annual emissions value for the month for all HAP from all wastewater units up to, but not including, secondary treatment units;

(vii) Calculate the fraction emitted value for the month by dividing the total annual HAP emissions value from paragraph (c)(4)(vi) of this section by

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the total annual loading from paragraph (c)(4)(iv) of this section; and

(viii) Average the fraction emitted value for the month determined in paragraph (c)(4)(vii) of this section, with the values determined for the previous 11 months, to calculate an annual rolling average of the fraction HAP emitted.

§ 63.1589 What records must I keep?

(a) To comply with the equipment standard specified in § 63.1586(a), you must prepare and maintain the records required in paragraphs (a)(1) through (4) of this section:

(1) A record for each treatment unit inspection required by § 63.1588(a). You must include a treatment unit identification number (or other unique identification description as selected by you) and the date of inspection.

(2) For each defect detected during inspections required by § 63.1588(a), you must record the location of the defect, a description of the defect, the date of detection, the corrective action taken to repair the defect, and the date the repair to correct the defect is completed.

(3) In the event that repair of the defect is delayed, in accordance with the provisions of § 63.1588(a)(3), you must also record the reason for the delay and the date you expect to complete the repair.

(4) If you own or operate a control device used to meet the requirements for § 63.1586, you must comply with the recordkeeping requirements of § 63.696(a), (b), (g), and (h).

(b) To comply with the performance standard specified in § 63.1586(b), you must prepare and maintain the records required in paragraphs (b)(1) through (3) of this section:

(1) A record of the methods and data used to determine your POTW's annual HAP emissions as determined in § 63.1588(c)(2);

(2) A record of the methods and data used to determine that your POTW meets the fraction emitted standard of 0.014 or less, as determined in § 63.1588(c)(3); and

(3) A record of the methods and data that demonstrates that your POTW is

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in continuous compliance with the requirements of § 63.1588(c)(4).

[64 FR 57579, Oct. 26, 1999, as amended at 66 FR 16142, Mar. 23, 2001]

§ 63.1590 What reports must I submit?

(a)(1) If you have an existing non-industrial POTW treatment plant, or a new or reconstructed area source non-industrial POTW treatment plant, you are not required to submit a notification of compliance status. If you have a new or reconstructed non-industrial POTW treatment plant which is a major source of HAP, you must submit to the Administrator a notification of compliance status, signed by the responsible official who must certify its accuracy, attesting to whether your POTW treatment plant has complied with this subpart. This notification must be submitted initially, and each time a notification of compliance status is required under this subpart. At a minimum, the notification must list—

(i) The methods that were used to determine compliance;

(ii) The results of any monitoring procedures or methods that were conducted;

(iii) The methods that will be used for determining continuing compliance;

(iv) The type and quantity of HAP emitted by your POTW treatment plant;

(v) A description of the air pollution control equipment (or method) for each emission point; and

(vi) Your statement that your POTW treatment plant has complied with this subpart.

(2) You must send this notification before the close of business on the 60th day following the completion of the relevant compliance demonstration activity specified in this subpart.

(b) After you have been issued a title V permit, you must comply with all requirements for compliance status reports contained in your title V permit, including reports required under this subpart. After you have been issued a title V permit, and each time a notification of compliance status is required under this subpart, you must submit the notification of compliance status to the appropriate permitting authority, as described in paragraph (d) of

this section, following completion of the relevant compliance demonstration activity specified in this subpart.

(c) You must comply with the delay of repair reporting required in § 63.1588(a)(3).

(d) If your State has not been delegated authority, you must submit reports to your EPA Regional Office. If your State has been delegated authority, you must submit reports to your delegated State authority, and you must send a copy of each report submitted to the State to your EPA Regional Office. Your EPA Regional Office, at its discretion, may waive this requirement for any reports.

(e) You may apply to the Administrator for a waiver of recordkeeping and reporting requirements by complying with the requirements of § 63.10(f) of subpart A of this part.

(f) If you own or operate a control device used to meet the requirements of § 63.1586(a), you must submit the reports required by § 63.697(b) of subpart DD of this part, including a notification of performance tests; a performance test report; a startup, shutdown, and malfunction report; and a summary report.

(g) To comply with the performance standard specified in § 63.1586(b), you must submit, for approval by the Administrator, an initial report explaining your compliance approach 90 days prior to beginning operation of your new or reconstructed POTW. You must also submit a startup, shutdown, and malfunction report.

[64 FR 57579, Oct. 26, 1999, as amended at 66 FR 16142, Mar. 23, 2001; 67 FR 64746, Oct. 21, 2002]

GENERAL REQUIREMENTS

§ 63.1591 What are my notification requirements?

(a) If you have an industrial POTW treatment plant or a new or reconstructed non-industrial POTW which is a major source of HAP, and your State has not been delegated authority, you must submit notifications to the appropriate EPA Regional Office. If your State has been delegated authority you must submit notifications to your State and a copy of each notification to the appropriate EPA Regional Of-

fice. The Regional Office may waive this requirement for any notifications at its discretion.

(b) You must notify the Administrator in writing no later than 120 calendar days after the effective date of this subpart (or within 120 calendar days after your POTW treatment plant becomes subject to the relevant standard), and you must provide the following information:

- (1) Your name and address;
- (2) The address (*i.e.*, physical location) of your POTW treatment plant;
- (3) An identification of these standards as the basis of the notification and your POTW treatment plant's compliance date; and
- (4) A brief description of the nature, size, design, and method of operation of your POTW treatment plant, including its operating design capacity and an identification of each point of emission for each HAP, or if a definitive identification is not yet possible, a preliminary identification of each point of emission for each HAP.

(c) You must notify the Administrator if your data show that you are no longer in continuous compliance.

[64 FR 57579, Oct. 26, 1999, as amended at 67 FR 64746, Oct. 21, 2002]

§ 63.1592 Which General Provisions apply to my POTW treatment plant?

(a) Table 1 to this subpart lists the General Provisions (40 CFR part 63, subpart A) which do and do not apply to POTW treatment plants.

(b) Unless a permit is otherwise required by law, the owner or operator of an industrial POTW which is not a major source is exempt from the permitting requirements established by 40 CFR part 70.

[67 FR 64746, Oct. 21, 2002]

§ 63.1594 Who enforces this subpart?

(a) This subpart can be implemented and enforced by the U.S. EPA, or a delegated authority such as the applicable State, local, or Tribal agency. If the U.S. EPA Administrator has delegated authority to a State, local, or Tribal agency, then that agency, in addition to the U.S. EPA, has the authority to implement and enforce this subpart.

Contact the applicable U.S. EPA Regional Office to find out if implementation and enforcement of this subpart is delegated to a State, local, or Tribal agency.

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

(c) The authorities that cannot be delegated to State, local, or Tribal agencies are as specified in paragraphs (c)(1) through (4) of this section.

(1) Approval of alternatives to the requirements in §§ 63.1580, 63.1583 through 63.1584, and 63.1586 through 63.1587.

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

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

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

[68 FR 37360, June 23, 2003]

§ 63.1595 List of definitions.

Affected source means the group of all equipment that comprise the POTW treatment plant.

Area source means any stationary source of HAP that is not a major source.

Cover means a device that prevents or reduces air pollutant emissions to the atmosphere by forming a continuous barrier over the waste material managed in a treatment unit. A cover may have openings (such as access hatches, sampling ports, gauge wells) that are necessary for operation, inspection, maintenance, and repair of the treatment unit on which the cover is used. A cover may be a separate piece of equipment which can be detached and removed from the treatment unit, or a cover may be formed by structural features permanently integrated into the design of the treatment unit. The cover and its closure devices must be made of suitable materials that will minimize

exposure of the waste material to the atmosphere, to the extent practical, and will maintain the integrity of the cover and its closure devices throughout its intended service life.

Fraction emitted means the fraction of the mass of HAP entering the POTW wastewater treatment plant which is emitted prior to secondary treatment. The value is calculated using the following steps:

(1) Determine mass emissions from all equipment up to, but not including, secondary treatment for each HAP listed in Table 1 to subpart DD of this part;

(2) Sum the HAP emissions (ΣE);

(3) Sum the HAP mass loadings (ΣL) in the influent to the POTW wastewater treatment plant; and

(4) Calculate the fraction emitted (f_e monthly) using f_e monthly = $\Sigma E / \Sigma L$.

HAP means hazardous air pollutant(s).

Industrial POTW means a POTW that accepts a waste stream regulated by an industrial NESHAP and provides treatment and controls as an agent for the industrial discharger. The industrial discharger complies with its NESHAP by using the treatment and controls located at the POTW. For example, an industry discharges its benzene-containing waste stream to the POTW for treatment to comply with 40 CFR part 61, Subpart FF—National Emission Standard for Benzene Waste Operations. This definition does not include POTW treating waste streams not specifically regulated under another NESHAP.

Industrial user means a nondomestic source introducing any pollutant or combination of pollutants into a POTW. Industrial users can be commercial or industrial facilities whose wastes enter local sewers.

Non-industrial POTW means a POTW that does not meet the definition of an industrial POTW as defined above.

Publicly owned treatment works (POTW) means a treatment works, as that term is defined by section 112(e)(5) of the Clean Air Act, which is owned by a municipality (as defined by section 502(4) of the Clean Water Act), a State, an intermunicipal or interstate agency, or any department, agency, or instrumentality of the Federal Government.

Environmental Protection Agency

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This definition includes any intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment. The wastewater treated by these facilities is generated by industrial, commercial, and domestic sources. As used in this regulation, the term POTW refers to both any publicly owned treatment works which is owned by a State, municipality, or intermunicipal or interstate agency and therefore eligible to receive grant assistance under the Subchapter II of the Clean Water Act, and any federally owned treatment works as that term is described in section 3023 of the Solid Waste Disposal Act.

POTW treatment plant means that portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

Reconstruction means the replacement of components of an affected or a previously unaffected stationary source such that:

(1) The fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable new source; and

(2) It is technologically and economically feasible for the reconstructed source to meet the relevant standard(s) established by the Administrator (or a State) pursuant to section 112 of the Act. Upon reconstruction, an affected source, or a stationary source that becomes an affected source, is subject to relevant standards for new sources, including compliance dates, irrespective of any change in emissions of HAP from that source.

Secondary treatment means treatment processes, typically biological, designed to reduce the concentrations of dissolved and colloidal organic matter in wastewater.

Waste and wastewater means a material, or spent or used water or waste, generated from residential, industrial, commercial, mining, or agricultural operations or from community activities that contain dissolved or suspended matter, and that is discarded, discharged, or is being accumulated, stored, or physically, chemically, thermally, or biologically treated in a publicly owned treatment works.

[64 FR 57579, Oct. 26, 1999, as amended at 66 FR 16142, Mar. 23, 2001]

TABLE 1 TO SUBPART VVV OF PART 63—APPLICABILITY OF 40 CFR PART 63 GENERAL PROVISIONS TO SUBPART VVV

General provisions reference	Applicable to subpart VVV	Explanation
§ 63.1	APPLICABILITY.
§ 63.1(a)(1)	Yes	Terms defined in the Clean Air Act.
§ 63.1(a)(2)	Yes	General applicability explanation.
§ 63.1(a)(3)	Yes	Cannot diminish a stricter NESHAP.
§ 63.1(a)(4)	Yes	Not repetitive. Doesn't apply to section 112(r).
§ 63.1(a)(5)	Yes	Section reserved.
§ 63.1(a)(6)-(8)	Yes	Contacts and authorities.
§ 63.1(a)(9)	Yes	Section reserved.
§ 63.1(a)(10)	Yes	Time period definition.
§ 63.1(a)(11)	Yes	Postmark explanation.
§ 63.1(a)(12)-(14)	Yes	Time period changes. Regulation conflict. Force and effect of subpart A.
§ 63.1(b)(1)	Yes	Initial applicability determination of subpart A.
§ 63.1(b)(2)	Yes	Operating permits by States.
§ 63.1(b)(3)	No	Subpart VVV specifies recordkeeping of records of applicability determination.
§ 63.1(c)(1)	Yes	Requires compliance with both subpart A and subpart VVV.
§ 63.1(c)(2)(i)	No	State options regarding title V permit. Unless required by the State, area sources subject to subpart VVV are exempted from permitting requirements.
§ 63.1(c)(2)(ii)-(iii)	No	State options regarding title V permit.
§ 63.1(c)(3)	Yes	Section reserved.
§ 63.1(c)(4)	Yes	Extension of compliance.
§ 63.1(c)(5)	No	Subpart VVV addresses area sources becoming major due to increase in emissions.
§ 63.1(d)	Yes	Section reserved.
§ 63.1(e)	Yes	Title V permit before a relevant standard is established.

General provisions reference	Applicable to subpart VVV	Explanation
§ 63.2	Yes	DEFINITIONS.
§ 63.3	Yes	UNITS AND ABBREVIATIONS.
§ 63.4		PROHIBITED ACTIVITIES AND CIRCUMVENTION.
§ 63.4(a)(1)–(3)	Yes	Prohibits operation in violation of subpart A.
§ 63.4(a)(4)	Yes	Section reserved.
§ 63.4(a)(5)	Yes	Compliance dates.
§ 63.4(b)	Yes	Circumvention.
§ 63.4(c)	Yes	Severability.
§ 63.5		CONSTRUCTION AND RECONSTRUCTION.
§ 63.5(a)(1)	Yes	Construction and reconstruction.
§ 63.5(a)(2)	Yes	New source—effective dates.
§ 63.5(b)(1)	Yes	New sources subject to relevant standards.
§ 63.5(b)(2)	Yes	Section reserved.
§ 63.5(b)(3)	Yes	No new major sources without Administrator approval.
§ 63.5(b)(4)	Yes	New major source notification.
§ 63.5(b)(5)	Yes	New major sources must comply.
§ 63.5(b)(6)	Yes	New equipment added considered part of major source.
§ 63.5(c)	Yes	Section reserved.
§ 63.5(d)(1)	Yes	Implementation of section 112(l)(2)—application of approval of new source construction.
§ 63.5(d)(2)	Yes	Application for approval of construction for new sources listing and describing planned air pollution control system.
§ 63.5(d)(3)	Yes	Application for reconstruction.
§ 63.5(d)(4)	Yes	Administrator may request additional information.
§ 63.5(e)	Yes	Approval of reconstruction.
§ 63.5(f)(1)	Yes	Approval based on State review.
§ 63.5(f)(2)	Yes	Application deadline.
§ 63.6		COMPLIANCE WITH STANDARDS AND MAINTENANCE REQUIREMENTS.
§ 63.6(a)	Yes	Applicability of compliance with standards and maintenance requirements.
§ 63.6(b)	Yes	Compliance dates for new and reconstructed sources.
§ 63.6(c)	Yes	Compliance dates for existing sources apply to existing industrial POTW treatment plants.
§ 63.6(d)	Yes	Section reserved.
§ 63.6(e)	Yes	Operation and maintenance requirements apply to new sources.
§ 63.6(f)	Yes	Compliance with non-opacity emission standards applies to new sources.
§ 63.6(g)	Yes	Use of alternative non-opacity emission standards applies to new sources.
§ 63.6(h)	No	POTW treatment plants do not typically have visible emissions.
§ 63.6(i)	Yes	Extension of compliance with emission standards applies to new sources.
§ 63.6(j)	Yes	Presidential exemption from compliance with emission standards.
§ 63.7		PERFORMANCE TESTING REQUIREMENTS.
§ 63.7(a)	Yes	Performance testing is required for new sources.
§ 63.7(b)	Yes	New sources must notify the Administrator of intention to conduct performance testing.
§ 63.7(c)	Yes	New sources must comply with quality assurance program requirements.
§ 63.7(d)	Yes	New sources must provide performance testing facilities at the request of the Administrator.
§ 63.7(e)	Yes	Requirements for conducting performance tests apply to new sources.
§ 63.7(f)	Yes	New sources may use an alternative test method.
§ 63.7(g)	Yes	Requirements for data analysis, recordkeeping, and reporting associated with performance testing apply to new sources.
§ 63.7(h)	Yes	New sources may request a waiver of performance tests.
§ 63.8		MONITORING REQUIREMENTS.
§ 63.8(a)	Yes	Applicability of monitoring requirements.
§ 63.8(b)	Yes	Monitoring shall be conducted by new sources.
§ 63.8(c)	Yes	New sources shall operate and maintain continuous monitoring systems (CMS).
§ 63.8(d)	Yes	New sources must develop and implement a CMS quality control program.
§ 63.8(e)	Yes	New sources may be required to conduct a performance evaluation of CMS.
§ 63.8(f)	Yes	New sources may use an alternative monitoring method.

General provisions reference	Applicable to subpart VVV	Explanation
§ 63.8(g)	Yes	Requirements for reduction of monitoring data.
§ 63.9	Yes	NOTIFICATION REQUIREMENTS.
§ 63.9(a)	Yes	Applicability of notification requirements.
§ 63.9(b)	Yes	Applicability of notification requirements. Existing major non-industrial POTW treatment plants, and existing and new or reconstructed area non-industrial POTW treatment plants are not subject to the notification requirements.
§ 63.9(c)	Yes	Request for extension of compliance with subpart VVV.
§ 63.9(d)	Yes	Notification that source is subject to special compliance requirements as specified in § 63.6(b)(3) and (4).
§ 63.9(e)	Yes	Notification of performance test.
§ 63.9(f)	No	POTW treatment plants do not typically have visible emissions.
§ 63.9(g)	Yes	Additional notification requirements for sources with continuous emission monitoring systems.
§ 63.9(h)	Yes	Notification of compliance status when the source becomes subject to subpart VVV.
§ 63.9(i)	Yes	Adjustments to time periods or postmark deadlines or submittal and review of required communications.
§ 63.9(j)	Yes	Change of information already provided to the Administrator.
§ 63.10	Yes	RECORDKEEPING AND REPORTING REQUIREMENTS.
§ 63.10(a)	Yes	Applicability of notification and reporting requirements.
§ 63.10(b)(1)–(2)	Yes	General recordkeeping requirements.
§ 63.10(b)(3)	No	Recording requirement for applicability determination.
§ 63.10(c)	Yes	Additional recordkeeping requirements for sources with continuous monitoring systems.
§ 63.10(d)	Yes	General reporting requirements.
§ 63.10(e)	Yes	Additional reporting requirements for sources with continuous monitoring systems.
§ 63.10(f)	Yes	Waiver of recordkeeping and reporting requirements.
§ 63.11	Yes	Control device and equipment leak work practice requirements.
§ 63.11(a) and (b)	Yes	If a new source uses flares to comply with the requirements of subpart VVV, the requirements of § 63.11 apply.
§ 63.11(c), (d) and (e)	Yes	Alternative work practice for equipment leaks.
§ 63.12	Yes	STATE AUTHORITY AND DESIGNATION.
§ 63.13	Yes	ADDRESSES OF STATE AIR POLLUTION CONTROL AGENCIES AND EPA REGIONAL OFFICES.
§ 63.14	Yes	INCORPORATION BY REFERENCE.
§ 63.15	Yes	AVAILABILITY OF INFORMATION AND CONFIDENTIALITY.

[64 FR 57579, Oct. 26, 1999, as amended at 66 FR 16142, Mar. 23, 2001; 67 FR 64746, Oct. 21, 2002; 73 FR 78215, Dec. 22, 2008]

Subpart WWW [Reserved]

Subpart XXX—National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese

SOURCE: 64 FR 27458, May 20, 1999, unless otherwise noted.

§ 63.1620 Am I subject to this subpart?

(a) You are subject to this subpart if you own or operate a new or existing ferromanganese and/or silicomanganese production facility

that is a major source or is co-located at a major source of hazardous air pollutant emissions.

(b) You are subject to this subpart if you own or operate any of the following equipment as part of a ferromanganese and/or silicomanganese production facility:

- (1) Electric arc furnace;
- (2) Casting operations;
- (3) Metal oxygen refining (MOR) process;
- (4) Crushing and screening operations;
- (5) Outdoor fugitive dust sources.

(c) A new affected source is any of the equipment listed in paragraph (b)