

§ 63.900

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General provisions citation	Requirement	Applies to subpart NN	Explanation
§ 63.8(d)(3)	Written Procedures for CMS	Yes, except for last sentence, which refers to SSM plan. SSM plans are not required	
§ 63.8(e)–(g)		Yes	
§ 63.9(a)	Notification Requirements	Yes	
§ 63.9(b)(1)–(2)	Initial Notifications	Yes	
§ 63.9(b)(3)		No	[Reserved].
§ 63.9(b)(4)–(5)		Yes	
§ 63.9(c)–(f)		Yes	
§ 63.10(a)	Recordkeeping and Reporting-Requirements.	Yes	
§ 63.10(b)(1)	General Recordkeeping Requirements	Yes	
§ 63.10(b)(2)(i)	Recordkeeping of Occurrence and Duration of Startups and Shutdowns.	No	
§ 63.10(b)(2)(ii)	Recordkeeping of Malfunctions	No	See § 63.886 for recordkeeping of occurrence and duration of malfunctions and recordkeeping of actions taken during malfunction.
§ 63.10(b)(2)(iii)	Maintenance Records	Yes	
§ 63.10(b)(2)(iv)–(v)	Actions Taken to Minimize Emissions During SSM.	No	
§ 63.10(b)(2)(vi)	Recordkeeping for CMS Malfunctions	Yes	
§ 63.10(b)(2)(vii)–(xiv)	Other CMS Requirements	Yes	
§ 63.10(b)(3)	Recordkeeping Requirement for Applicability Determinations.	Yes	
§ 63.10(c)(1)–(6)	Additional Recordkeeping Requirements for Sources with CMS.	Yes	
§ 63.10(c)(7)–(8)	Additional Recordkeeping Requirements for CMS—Identifying Exceedances and Excess Emissions.	Yes	
§ 63.10(c)(9)		No	[Reserved].
§ 63.10(c)(10)–(11)		No	See § 63.886 for recordkeeping of malfunctions.
§ 63.10(c)(12)–(14)		Yes	
§ 63.10(c)(15)	Use of SSM Plan	No	
§ 63.10(d)(1)–(4)	General Reporting Requirements	Yes	
§ 63.10(d)(5)	SSM Reports	No	See § 63.886(c)(2) for reporting of malfunctions.
§ 63.10(e)–(f)	Additional CMS Reports Excess Emission/CMS Performance Reports COMS Data Reports Recordkeeping/Reporting Waiver.	Yes	
§ 63.11(a)–(b)	Control Device Requirements Applicability Flares.	No	Flares will not be used to comply with the emissions limits.
§ 63.11(c)	Alternative Work Practice for Monitoring Equipment for Leaks.	Yes	
§ 63.11(d)	Alternative Work Practice Standard	Yes	
§ 63.11(e)	Alternative Work Practice Requirements	Yes	
§ 63.12	State Authority and Delegations	Yes	
§ 63.13	Addresses	Yes	
§ 63.14	Incorporation by Reference	Yes	
§ 63.15	Information Availability/Confidentiality	Yes	
§ 63.16	Performance Track Provisions	Yes	

**Subpart OO—National Emission Standards for Tanks—Level 1**

SOURCE: 61 FR 34184, July 1, 1996, unless otherwise noted.

**§ 63.900 Applicability.**

The provisions of this subpart apply to the control of air emissions from tanks for which another subpart of 40

CFR parts 60, 61, or 63 references the use of this subpart for such air emission control. These air emission standards for tanks are placed here for administrative convenience and only apply to those owners and operators of facilities subject to the other subparts that reference this subpart. The provisions of 40 CFR part 63, subpart A—General Provisions do not apply to this

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subpart except as noted in the subpart that references this subpart.

### § 63.901 Definitions.

All terms used in this subpart shall have the meaning given to them in the Act and in this section. If a term is defined in both this section and in another subpart that references the use of this subpart, then the definition in this subpart shall take precedence when implementing this subpart.

*Closure device* means a cap, hatch, lid, plug, seal, valve, or other type of fitting that, when the device is secured in the closed position, prevents or reduces air emissions to the atmosphere by blocking an opening in a fixed roof. Closure devices include devices that are detachable from the cover (e.g., a sampling port cap), manually operated (e.g., a hinged access lid or hatch), or automatically operated (e.g., a spring-loaded pressure relief valve).

*Fixed roof* means a cover that is mounted on a tank in a stationary position and does not move with fluctuations in the level of the liquid managed in the tank.

*No detectable organic emissions* means no escape of organics to the atmosphere as determined using the procedure specified in § 63.905(a) of this subpart.

*Regulated-material* means the material (e.g. waste, wastewater, off-site material) required to be managed in tanks using air emission controls in accordance with the standards specified in this subpart.

*Safety device* means a closure device such as a pressure relief valve, frangible disc, fusible plug, or any other type of device which functions to prevent physical damage or permanent deformation to equipment by venting gases or vapors during unsafe conditions resulting from an unplanned, accidental, or emergency event. For the purpose of this subpart, a safety device is not used for routine venting of gases or vapors from the vapor headspace underneath a cover such as during filling of the unit or to adjust the pressure in this vapor headspace in response to normal daily diurnal ambient temperature fluctuations. A safety device is designed to remain in a closed position during normal operations and open

only when the internal pressure, or another relevant parameter, exceeds the device threshold setting applicable to the equipment as determined by the owner or operator based on manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, combustible, explosive, reactive, or hazardous materials.

*Tank* means a stationary unit that is constructed primarily of nonearthen materials (such as wood, concrete, steel, fiberglass, or plastic) which provide structural support and is designed to hold an accumulation of liquids or other materials.

[61 FR 34184, July 1, 1996, as amended at 64 FR 38985, July 20, 1999]

### § 63.902 Standards—Tank fixed roof.

(a) This section applies to owners and operators subject to this subpart and controlling air emissions from a tank using a fixed roof. This section does not apply to a fixed-roof tank that is also equipped with an internal floating roof.

(b) The tank shall be equipped with a fixed roof designed to meet the following specifications:

(1) The fixed roof and its closure devices shall be designed to form a continuous barrier over the entire surface area of the liquid in the tank. The fixed roof may be a separate cover installed on the tank (e.g., a removable cover mounted on an open-top tank) or may be an integral part of the tank structural design (e.g., a horizontal cylindrical tank equipped with a hatch).

(2) The fixed roof shall be installed in a manner such that there are no visible cracks, holes, gaps, or other open spaces between roof section joints or between the interface of the roof edge and the tank wall.

(3) Each opening in the fixed roof, and any manifold system associated with the fixed roof, shall be either:

(i) equipped with a closure device designed to operate such that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the

closure device or between the perimeter of the opening and the closure device; or

(ii) connected by a closed-vent system that is vented to a control device. The control device shall remove or destroy organics in the vent stream, and shall be operating whenever regulated material is managed in the tank.

(4) The fixed roof and its closure devices shall be made of suitable materials that will minimize exposure of the regulated-material to the atmosphere, to the extent practical, and will maintain the integrity of the equipment throughout its intended service life. Factors to be considered when selecting the materials for and designing the fixed roof and closure devices shall include: organic vapor permeability, the effects of any contact with the liquid or its vapors managed in the tank; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the tank on which the fixed roof is installed.

(c) Whenever a regulated-material is in the tank, the fixed roof shall be installed with each closure device secured in the closed position except as follows:

(1) Opening of closure devices or removal of the fixed roof is allowed at the following times:

(i) To provide access to the tank for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample the liquid in the tank, or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or re-install the cover, as applicable, to the tank.

(ii) To remove accumulated sludge or other residues from the bottom of tank.

(2) Opening of a spring-loaded pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device which vents to the atmosphere is allowed during normal operations for the purpose of maintaining the tank internal pressure in accordance with the tank design specifications. The de-

vice shall be designed to operate with no detectable organic emissions when the device is secured in the closed position. The settings at which the device opens shall be established such that the device remains in the closed position whenever the tank internal pressure is within the internal pressure operating range determined by the owner or operator based on the tank manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, combustible, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the container internal pressure exceeds the internal pressure operating range for the tank as a result of loading operations or diurnal ambient temperature fluctuations.

(3) Opening of a safety device, as defined in §63.901 of this subpart, is allowed at any time conditions require it to do so to avoid an unsafe condition.

(d) The owner or operator shall inspect the air emission control equipment in accordance with the requirements specified in §63.906(a) of this subpart.

[61 FR 34184, July 1, 1996, as amended at 64 FR 38986, July 20, 1999]

§§ 63.903–63.904 [Reserved]

§ 63.905 Test methods and procedures.

(a) Procedure for determining no detectable organic emissions for the purpose of complying with this subpart.

(1) The test shall be conducted in accordance with the procedures specified in Method 21 of 40 CFR part 60, appendix A. Each potential leak interface (i.e., a location where organic vapor leakage could occur) on the cover and associated closure devices shall be checked. Potential leak interfaces that are associated with covers and closure devices include, but are not limited to: the interface of the cover and its foundation mounting; the periphery of any opening on the cover and its associated closure device; and the sealing seat interface on a spring-loaded pressure-relief valve.

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(2) The test shall be performed when the unit contains a material having a total organic concentration representative of the range of concentrations for the materials expected to be managed in the unit. During the test, the cover and closure devices shall be secured in the closed position.

(3) The detection instrument shall meet the performance criteria of Method 21 of 40 CFR part 60, appendix A, except the instrument response factor criteria in section 3.1.2(a) of Method 21 shall be for the average composition of the organic constituents in the material placed in the unit, not for each individual organic constituent.

(4) The detection instrument shall be calibrated before use on each day of its use by the procedures specified in Method 21 of 40 CFR part 60, appendix A.

(5) Calibration gases shall be as follows:

(i) Zero air (less than 10 ppmv hydrocarbon in air); and

(ii) A mixture of methane or n-hexane in air at a concentration of approximately, but less than 10,000 ppmv.

(6) An owner or operator may choose to adjust or not adjust the detection instrument readings to account for the background organic concentration level. If an owner or operator chooses to adjust the instrument readings for the background level, the background level value must be determined according to the procedures in Method 21 of 40 CFR part 60, appendix A.

(7) Each potential leak interface shall be checked by traversing the instrument probe around the potential leak interface as close to the interface as possible, as described in Method 21. In the case when the configuration of the cover or closure device prevents a complete traverse of the interface, all accessible portions of the interface shall be sampled. In the case when the configuration of the closure device prevents any sampling at the interface and the device is equipped with an enclosed extension or horn (e.g., some pressure relief devices), the instrument probe inlet shall be placed at approximately the center of the exhaust area to the atmosphere.

(8) An owner or operator must determine if a potential leak interface oper-

ates with no detectable emissions using the applicable procedure specified in paragraph (a)(8)(i) or (a)(8)(ii) of this section.

(i) If an owner or operator chooses not to adjust the detection instrument readings for the background organic concentration level, then the maximum organic concentration value measured by the detection instrument is compared directly to the applicable value for the potential leak interface as specified in paragraph (a)(9) of this section.

(ii) If an owner or operator chooses to adjust the detection instrument readings for the background organic concentration level, the value of the arithmetic difference between the maximum organic concentration value measured by the instrument and the background organic concentration value as determined in paragraph (a)(6) of this section is compared with the applicable value for the potential leak interface as specified in paragraph (a)(9) of this section.

(9) A potential leak interface is determined to operate with no detectable emissions using the applicable criteria specified in paragraphs (a)(9)(i) and (a)(9)(ii) of this section.

(i) For a potential leak interface other than a seal around a shaft that passes through a cover opening, the potential leak interface is determined to operate with no detectable organic emissions if the organic concentration value determined in paragraph (a)(8) is less than 500 ppmv.

(ii) For a seal around a shaft that passes through a cover opening, the potential leak interface is determined to operate with no detectable organic emissions if the organic concentration value determined in paragraph (a)(8) is less than 10,000 ppmv.

(b) [Reserved]

[64 FR 38986, July 20, 1999]

### § 63.906 Inspection and monitoring requirements.

(a) Owners and operators that use a tank equipped with a fixed roof in accordance with the provisions of § 63.902 of this subpart shall meet the following requirements:

(1) The fixed roof and its closure devices shall be visually inspected by the

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owner or operator to check 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 tank 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) The owner or operator must perform an initial inspection following installation of the fixed roof. Thereafter, the owner or operator must perform the inspections at least once every calendar year except as provided for in paragraph (d) of this section.

(3) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of paragraph (b) of this section.

(4) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in § 63.907 (a) of this subpart.

(b) The owner or operator shall repair all detected defects as follows:

(1) The owner or operator shall make first efforts at repair of the defect no later than 5 calendar days after detection and repair shall be completed as soon as possible but no later than 45 calendar days after detection except as provided in paragraph (b)(2) of this section.

(2) Repair of a defect may be delayed beyond 45 calendar days if the owner or operator determines that repair of the defect requires emptying or temporary removal from service of the tank and no alternative tank capacity is available at the site to accept the regulated material normally managed in the tank. In this case, the owner or operator shall repair the defect the next time alternative tank capacity becomes available and the tank can be emptied or temporarily removed from service, as necessary to complete the repair.

(c) The owner or operator shall maintain a record of the defect repair in accordance with the requirements specified in § 63.907(b) of this subpart.

(d) *Alternative inspection and monitoring interval.* Following the initial inspection and monitoring of a fixed roof in accordance with this section, subse-

quent inspection and monitoring of the equipment may be performed at intervals longer than 1 year when an owner or operator determines that performing the required inspection or monitoring procedures would expose a worker to dangerous, hazardous, or otherwise unsafe conditions and the owner or operator complies with the requirements specified in paragraphs (d)(1) and (d)(2) of this section.

(1) The owner or operator must prepare and maintain at the plant site written documentation identifying the specific air pollution control equipment designated as "unsafe to inspect and monitor." The documentation must include for each piece of air pollution control equipment designated as such a written explanation of the reasons why the equipment is unsafe to inspect or monitor using the applicable procedures under this section.

(2) The owner or operator must develop and implement a written plan and schedule to inspect and monitor the air pollution control equipment using the applicable procedures specified in this section during times when a worker can safely access the air pollution control equipment. The required inspections and monitoring must be performed as frequently as practicable but do not need to be performed more frequently than the periodic schedule that would be otherwise applicable to the air pollution control equipment under the provisions of this section. A copy of the written plan and schedule must be maintained at the plant site.

[61 FR 34184, July 1, 1996, as amended at 64 FR 38986, July 20, 1999]

**§ 63.907 Recordkeeping requirements.**

(a) Each owner or operator shall prepare and maintain a record for each tank that includes the following information:

(1) A tank identification number (or other unique identification description as selected by the owner or operator).

(2) A description of the tank dimensions and the tank design capacity.

(3) The date that each inspection required by § 63.906 of this subpart is performed.

(b) The owner or operator shall record the following information for each defect detected during inspections

required by § 63.906 of this subpart: the location of the defect, a description of the defect, the date of detection, and corrective action taken to repair the defect. In the event that repair of the defect is delayed in accordance with the provisions of § 63.907(b)(2) of this section, the owner or operator shall also record the reason for the delay and the date that completion of repair of the defect is expected.

#### § 63.908 Implementation and enforcement.

(a) This subpart can be implemented and enforced by the U.S. EPA, or a delegated authority such as the applicable State, local, or Tribal agency. If the U.S. EPA Administrator has delegated authority to a State, local, or Tribal agency, then that agency, in addition to the U.S. EPA, has the authority to implement and enforce this subpart. Contact the applicable U.S. EPA Regional Office to find out if 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 §§ 63.900 and 63.902.

(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 37354, June 23, 2003]

### Subpart PP—National Emission Standards for Containers

SOURCE: 61 FR 34186, July 1, 1996, unless otherwise noted.

#### § 63.920 Applicability.

The provisions of this subpart apply to the control of air emissions from containers for which another subpart of 40 CFR parts 60, 61, or 63 references the use of this subpart for such air emission control. These air emission standards for containers are placed here for administrative convenience and only apply to those owners and operators of facilities subject to the other subparts that reference this subpart. The provisions of 40 CFR part 63, subpart A—General Provisions do not apply to this subpart except as noted in the subpart that references this subpart.

#### § 63.921 Definitions.

All terms used in this subpart shall have the meaning given to them in the Act and in this section. If a term is defined in both this section and in another subpart that references the use of this subpart, then the definition in this subpart shall take precedence when implementing this subpart.

*Container* means a portable unit in which a material can be stored, transported, treated, disposed of, or otherwise handled. Examples of containers include but are not limited to drums, dumpsters, roll-off boxes, bulk cargo containers commonly known as “portable tanks” or “totes,” cargo tank trucks, and tank railcars.

*Closure device* means a cover, cap, hatch, lid, plug, seal, valve, or other type of fitting that prevents or reduces air emissions to the atmosphere by blocking an opening in a container or its cover when the device is secured in the closed position. Closure devices include devices that are detachable from the container (e.g., a drum head, a threaded plug), manually operated (e.g., a hinged dumpster lid, a truck tank hatch), or automatically operated (e.g., a spring loaded pressure relief valve).

*Empty container* means a container for which either of the following conditions exists: the container meets the