

§ 61.306

40 CFR Ch. I (7-1-00 Edition)

stream directly or indirectly to the atmosphere bypassing the control device) if valves are monitored under § 60.303(g)(2).

(d) Each owner or operator of an affected facility subject to the provisions of this subpart who uses a steam generating unit or process heater with a design heat input capacity of 44 MW or greater to comply with § 61.302(b) shall keep an up-to-date, readily accessible record of all periods of operation of the steam generating unit or process heater. Examples of such records could include records of steam use, fuel use, or monitoring data collected pursuant to other State or Federal regulatory requirements.

(e) Each owner or operator of an affected facility subject to the provisions of this subpart shall keep up-to-date, readily accessible records of the flare pilot flame monitoring specified under § 61.303(b), as well as up-to-date, readily accessible records of any absence of the pilot flame during a loading cycle.

(f) Each owner or operator of an affected facility subject to the requirements of § 61.302 shall submit to the Administrator quarterly reports of the following information. The owner or operator shall submit the initial report within 90 days after the effective date of this subpart or 90 days after startup for a source that has an initial startup date after the effective date.

(1) Periods of operation where there were exceedances of monitored parameters recorded under § 61.305(b).

(2) All periods recorded under § 61.305(c)(1) when the vent stream is diverted from the control device.

(3) All periods recorded under § 61.305(d) when the steam generating unit or process heater was not operating.

(4) All periods recorded under § 61.305(e) in which the pilot flame of the flare was absent.

(5) All times recorded under § 61.305(c)(2) when maintenance is performed on car-sealed valves, when the car seal is broken, and when the valve position is changed.

(g) The owner or operator of an affected facility shall keep the vapor-tightness documentation required under § 61.302 (d) and (e) on file at the

affected facility in a permanent form available for inspection.

(h) The owner or operator of an affected facility shall update the documentation file required under § 61.302 (d) and (e) for each tank truck, railcar, or marine vessel at least once per year to reflect current test results as determined by the appropriate method. The owner or operator shall include, as a minimum, the following information in this documentation:

- (1) Test title;
- (2) Tank truck, railcar, or marine vessel owner and address;
- (3) Tank truck, railcar, or marine vessel identification number;
- (4) Testing location;
- (5) Date of test;
- (6) Tester name and signature;
- (7) Witnessing inspector: name, signature, and affiliation; and
- (8) Test results, including, for railcars and tank trucks, the initial pressure up to which the tank was pressured at the start of the test.

(i) Each owner or operator of an affected facility complying with § 61.300(b) or § 61.300(d) shall record the following information. The first year after promulgation the owner or operator shall submit a report containing the requested information to the Director of the Emission Standards Division, (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711. After the first year, the owner or operator shall continue to record; however, no reporting is required. The information shall be made available if requested. The information shall include, as a minimum:

- (1) The affected facility's name and address;
- (2) The weight percent of the benzene loaded;
- (3) The type of vessel loaded (i.e., tank truck, railcar, or marine vessel); and
- (4) The annual amount of benzene loaded into each type of vessel.

§ 61.306 Delegation of authority.

(a) In delegating implementation and enforcement authority to a State under section 112(d) of the Act, the authorities contained in paragraph (b) of this section shall be retained by the

Environmental Protection Agency

§ 61.341

Administrator and not transferred to a State.

(b) Authorities which will not be delegated to States: No restrictions.

Subparts CC–EE [Reserved]

Subpart FF—National Emission Standard for Benzene Waste Operations

SOURCE: 55 FR 8346, Mar. 7, 1990, unless otherwise noted.

§ 61.340 Applicability.

(a) The provisions of this subpart apply to owners and operators of chemical manufacturing plants, coke by-product recovery plants, and petroleum refineries.

(b) The provisions of this subpart apply to owners and operators of hazardous waste treatment, storage, and disposal facilities that treat, store, or dispose of hazardous waste generated by any facility listed in paragraph (a) of this section. The waste streams at hazardous waste treatment, storage, and disposal facilities subject to the provisions of this subpart are the benzene-containing hazardous waste from any facility listed in paragraph (a) of this section. A hazardous waste treatment, storage, and disposal facility is a facility that must obtain a hazardous waste management permit under subtitle C of the Solid Waste Disposal Act.

(c) At each facility identified in paragraph (a) or (b) of this section, the following waste is exempt from the requirements of this subpart:

(1) Waste in the form of gases or vapors that is emitted from process fluids:

(2) Waste that is contained in a segregated stormwater sewer system.

[55 FR 8346, Mar. 7, 1990, as amended at 55 FR 37231, Sept. 10, 1990; 58 FR 3095, Jan. 7, 1993]

§ 61.341 Definitions.

Benzene concentration means the fraction by weight of benzene in a waste as determined in accordance with the procedures specified in § 61.355 of this subpart.

Car-seal means a seal that is placed on a device that is used to change the position of a valve (e.g., from opened to

closed) in such a way that the position of the valve cannot be changed without breaking the seal.

Chemical manufacturing plant means any facility engaged in the production of chemicals by chemical, thermal, physical, or biological processes for use as a product, co-product, by-product, or intermediate including but not limited to industrial organic chemicals, organic pesticide products, pharmaceutical preparations, paint and allied products, fertilizers, and agricultural chemicals. Examples of chemical manufacturing plants include facilities at which process units are operated to produce one or more of the following chemicals: benzenesulfonic acid, benzene, chlorobenzene, cumene, cyclohexane, ethylene, ethylbenzene, hydroquinone, linear alkylbenzene, nitrobenzene, resorcinol, sulfolane, or styrene.

Closed-vent system means a system that is not open to the atmosphere and is composed of piping, ductwork, connections, and, if necessary, flow inducing devices that transport gas or vapor from an emission source to a control device.

Coke by-product recovery plant means any facility designed and operated for the separation and recovery of coal tar derivatives (by-products) evolved from coal during the coking process of a coke oven battery.

Container means any portable waste management unit in which a material is stored, transported, treated, or otherwise handled. Examples of containers are drums, barrels, tank trucks, barges, dumpsters, tank cars, dump trucks, and ships.

Control device means an enclosed combustion device, vapor recovery system, or flare.

Cover means a device or system which is placed on or over a waste placed in a waste management unit so that the entire waste surface area is enclosed and sealed to minimize air emissions. A cover may have openings necessary for operation, inspection, and maintenance of the waste management unit such as access hatches, sampling ports, and gauge wells provided that each opening is closed and sealed when not in use. Example of covers include a fixed roof installed on a tank, a