sulfide and p-dichlorobenzene at an elevated temperature in a polar solvent. This rubber is resilient and has low temperature flexibility.

Process Unit means the group of equipment items used to process raw materials and to manufacture a product. For the purposes of this subpart, process unit includes all unit operations and associated equipment (e.g., reactors and associated product separators and recovery devices), associated unit operations (e.g., extraction columns), any feed and product storage vessels, and any transfer racks for distribution of final product.

Research and development facility means laboratory and pilot plant operations whose primary purpose is to conduct research and development into new processes and products, where the operations are under the close supervision of technically trained personnel, and is not engaged in the manufacture of products except in a deminimis manner.

Source means the collection of equipment listed in §63.190(d) to which this subpart applies as determined by the criteria in §63.190. For purposes of subparts H and I of this part, the term *affected source* as used in subpart A of this part has the same meaning as the term *source* defined here.

Styrene-butadiene rubber production means a process that produces styrene-butadiene copolymers, whether in solid (elastomer) or emulsion (latex) form.

Surge control vessel means feed drums, recycle drums, and intermediate vessels. Surge control vessels are used within a process unit when in-process storage, mixing, or management of flow rates or volumes is needed to assist in production of a product.

Symmetrical tetrachloropyridine means the chemical with CAS number 2402–79–1.

Tordon acid™ means the synthetic herbicide 4-amino-3,5,6-trichloropicolinic acid, picloram. The category includes, but is not limited to, chlorination processes utilized in Tordon™ acid production.

[59 FR 19587, Apr. 22, 1994, as amended at 59 FR 48178, Sept. 20, 1994; 60 FR 18026, 18030, Apr. 10, 1995; 61 FR 31442, June 20, 1996; 62 FR 2792, Jan. 17, 1997]

§ 63.192 Standard.

(a)(1) The owner or operator of a source subject to this subpart shall comply with the requirements of subpart H of this part for the processes and designated organic HAP's listed in §63.190(b) of this subpart.

(2) The owner or operator of a pharmaceutical production process subject to this subpart may define a process unit as a set of operations, within a source, producing a product, as all operations collocated within a building or structure or as all affected operations at the source.

(b) All provisions in §§63.1 through 63.15 of subpart A of this part which apply to owners and operators of sources subject to subparts I and H of this part, are:

(1) The applicability provisions of §63.1 (a)(1), (a)(2), (a)(10), (a)(12) through (a)(14);

(2) The definitions of §63.2 unless changed or modified by specific entry in §63.191 or §63.161;

(3) The units and abbreviations in §63.3;

(4) The prohibited activities and circumvention provisions of §63.4 (a)(1), (a)(2), (a)(3), (a)(5), and (b);

(5) The construction and reconstruction provisions of §63.5(a), (b)(1), (b)(3), (d) (except the review is limited to the equipment subject to the provisions of subpart H), (e), and (f);

(6)(i) The compliance with standards and maintenance requirements of §63.6(a), (b)(3), (c)(5), (e), (i)(1), (i)(2), (i)(4)(i)(A), (i)(6)(i), (i)(8) through (i)(10), (i)(12) through (i)(14), (i)(16), and (j);

(ii) The operational and maintenance requirements of §63.6(e). The startup, shutdown, and malfunction plan requirement of §63.6(e)(3) is limited to control devices subject to the provisions of subpart H of part 63 and is optional for other equipment subject to subpart H. The startup, shutdown, and malfunction plan may include written procedures that identify conditions that justify a delay of repair.

(7) With respect to flares, the performance testing requirements of §63.7(a)(3), (d), (e)(1), (e)(2), (e)(4), and (h);

(8) The notification requirements of §63.9 (a)(1), (a)(3), (a)(4), (b)(1)(i), (b)(4),

(b)(5) (except, use the schedule specified in subpart H), (c), (d), and (i);

(9) The recordkeeping and reporting requirements of §63.10(a) and (f);

(10) The control device requirements of §63.11(b); and

(11) The provisions of §63.12 through §63.15.

(c) Initial performance tests and initial compliance determinations shall be required only as specified in subpart H of this part.

(1) Performance tests and compliance determinations shall be conducted according to the applicable sections of subpart H.

(2) The owner or operator shall notify the Administrator of the intention to conduct a performance test at least 30 days before the performance test is scheduled to allow the Administrator the opportunity to have an observer present during the test.

NOTE: This requirement does not apply to equipment subject to monitoring using Method 21 of part 60, appendix A.

(3) Performance tests shall be conducted according to the provisions of §63.7(e) of subpart A of this part, except that performance tests shall be conducted at maximum representative operating conditions for the process. During the performance test, an owner or operator may operate the control or recovery device at maximum or minimum representative operating conditions for monitored control or recovery device parameters, whichever results in lower emission reduction.

(4) Data shall be reduced in accordance with the EPA-approved methods specified in the applicable subpart, or, if other test methods are used, the data and methods shall be validated according to the protocol in Method 301 of appendix A of this part.

(d) An application for approval of construction or reconstruction, 40 CFR 63.5 of this chapter, will not be required if:

(1) The new process unit complies with the applicable standards in §63.162 or §63.178 of subpart H of this part; and

(2) In the next semiannual report required by §63.182(d) of subpart H of this part, the information in §63.182(c) of subpart H of this part is reported.

(e) If an owner or operator of a process plans to eliminate the use or production of all HAP's that cause the process to be subject to the provisions of subparts I and H of this part no later than 18 months after April 22, 1994, the owner or operator shall submit to the Administrator a brief description of the change, identify the HAP's eliminated, and the expected date of cessation of operation of the current process, by no later than January 23, 1995.

(f) Each owner or operator of a source subject to subparts I and H of this part shall keep copies of all applicable reports and records required by subpart H for at least 2 years, except as otherwise specified in subpart H. If an owner or operator submits copies of reports to the applicable EPA Regional Office, the owner or operator is not required to maintain copies of reports. If the EPA Regional Office has waived the requirement of §63.10(a)(4)(ii) for submittal of copies of reports, the owner or operator is not required to maintain copies of reports.

(1) All applicable records shall be maintained in such a manner that they can be readily accessed. The most recent 6 months of records shall be retained on site or shall be accessible from a central location by computer or other means that provides access within 2 hours after a request.

(2) The owner or operator subject to subparts I and H of this part shall keep the records specified in this paragraph, as well as records specified in subpart H of this part.

(i) Records of the occurrence and duration of each start-up, shutdown, and malfunction of operation of a process subject to this subpart as specified in §63.190(b) of this subpart.

(ii) Records of the occurrence and duration of each malfunction of air pollution control equipment or continuous monitoring systems used to comply with subparts I and H of this part.

(iii) For each start-up, shutdown, and malfunction, records that the procedures specified in the source's start-up, shutdown, and malfunction plan were followed, and documentation of actions taken that are not consistent with the plan. These records may take the form of a ''checklist,'' or other form of recordkeeping that confirms conformance with the startup, shutdown, and malfunction plan for the event.

(g) All reports required under subpart H shall be sent to the Administrator at the addresses listed in § 63.13 of subpart A of this part.

(1) Wherever subpart A specifies ''postmark'' dates, submittals may be sent by methods other than the U.S. Mail (e.g., by fax or courier). Submittals shall be sent on or before the specified date.

(2) If acceptable to both the Administrator and the owner or operator of a source, reports may be submitted on electronic media.

(h) If, in the judgment of the Administrator, an alternative means of emission limitation will achieve a reduction in organic HAP emissions at least equivalent to the reduction in organic HAP emissions from that source achieved under any design, equipment, work practice, or operational standards in subpart H of this part, the Administrator will publish in the FEDERAL REGISTER a notice permitting the use of the alternative means for purposes of compliance with that requirement.

(1) The notice may condition the permission on requirements related to the operation and maintenance of the alternative means.

(2) Any notice under paragraph (h) of this section shall be published only after public notice and an opportunity for a hearing.

(3) Any person seeking permission to use an alternative means of compliance under this section shall collect, verify, and submit to the Administrator information showing that the alternative means achieves equivalent emission reductions.

(i) Each owner or operator of a source subject to this subpart shall obtain a permit under 40 CFR part 70 or part 71 from the appropriate permitting authority.

(1) If EPA has approved a State operating permit program under 40 CFR part 70, the permit shall be obtained from the State authority.

(2) If the State operating permit program has not been approved, the source shall apply to the EPA regional office pursuant to 40 CFR part 71.

(j) The requirements in subparts I and H of this part are Federally enforceable under section 112 of the Act on and after the dates specified in § 63.190(d) of this subpart.

(k) The owner or operator of a process unit which meets the criteria of § 63.190 (c), shall comply with the requirements of either paragraph (k)(1) or (k)(2) of this section.

(1) Retain information, data, and analysis used to determine that the process unit does not have the designated organic hazardous air pollutant present in the process. Examples of information that could document this include, but are not limited to, records of chemicals purchased for the process, analyses of process stream composition, engineering calculations, or process knowledge.

(2) When requested by the Administrator, demonstrate that the chemical manufacturing process unit does not have the designated organic hazardous air pollutant present in the process.

(l) To qualify for the exemption specified in § 63.190(b)(7) of this subpart, the owner or operator shall maintain the documentation of the information required pursuant to § 63.190(b)(7)(i), and documentation of any update of this information requested by the EPA Regional Office, and shall provide the documentation to the EPA Regional Office upon request. The EPA Regional Office will notify the owner or operator, after reviewing such documentation, whether, in the EPA Regional Office's judgement, the source does not qualify for the exemption specified in § 63.190(b)(7) of this subpart. In such cases, compliance with this subpart shall be required no later than 90 days after the date of such notification by the EPA Regional Office.

(m) An owner or operator who elects to use the compliance extension provisions of § 63.190(e)(5) (i) or (ii) shall submit a compliance extension request to the appropriate EPA Regional Office no later than May 10, 1995. The request shall contain the information specified in § 63.190(e)(4)(iv) and the reason compliance cannot reasonably be achieved

without a process unit shutdown, as defined in § 63.161 of subpart H or replacement of the compressor or recasting of the distance piece.

[59 FR 19587, Apr. 22, 1994, as amended at 59 FR 48178, Sept. 20, 1994; 60 FR 18026, 18030, Apr. 10, 1995; 61 FR 31442, June 20, 1996; 62 FR 2793, Jan. 17, 1997]

§ 63.193 Delegation of authority.

In delegating implementation and enforcement authority to a State under section 112(l) of the Clean Air Act, the authority for § 63.177 of subpart H of this part shall be retained by the Administrator and not transferred to a State.

[62 FR 2793, Jan. 17, 1997]

Subparts J–K [Reserved]

Subpart L—National Emission Standards for Coke Oven Batteries

SOURCE: 58 FR 57911, Oct. 27, 1993, unless otherwise noted.

§ 63.300 Applicability.

(a) Unless otherwise specified in §§ 63.306, 63.307, and 63.311, the provisions of this subpart apply to existing by-product coke oven batteries at a coke plant and to existing nonrecovery coke oven batteries at a coke plant on and after the following dates:

(1) December 31, 1995, for existing by-product coke oven batteries subject to emission limitations in § 63.302(a)(1) or existing nonrecovery coke oven batteries subject to emission limitations in § 63.303(a);

(2) January 1, 2003, for existing by-product coke oven batteries subject to emission limitations in § 63.302(a)(2);

(3) November 15, 1993, for existing by-product and nonrecovery coke oven batteries subject to emission limitations in § 63.304(b)(1) or 63.304(c);

(4) January 1, 1998, for existing by-product coke oven batteries subject to emission limitations in § 63.304(b)(2) or 63.304(b)(7); and

(5) January 1, 2010, for existing by-product coke oven batteries subject to emission limitations in § 63.304(b)(3) or 63.304(b)(7).

(b) The provisions for new sources in §§ 63.302(b), 63.302(c), and 63.303(b) apply to each greenfield coke oven battery and to each new or reconstructed coke oven battery at an existing coke plant if the coke oven battery results in an increase in the design capacity of the coke plant as of November 15, 1990, (including any capacity qualifying under § 63.304(b)(6), and the capacity of any coke oven battery subject to a construction permit on November 15, 1990, which commenced operation before October 27, 1993.

(c) The provisions of this subpart apply to each brownfield coke oven battery, each padup rebuild, and each cold-idle coke oven battery that is restarted.

(d) The provisions of §§ 63.304(b)(2)(i)(A) and 63.304(b)(3)(i) apply to each foundry coke producer as follows:

(1) A coke oven battery subject to § 63.304(b)(2)(i)(A) or § 63.304(b)(3)(i) must be a coke oven battery that on January 1, 1992, was owned or operated by a foundry coke producer; and

(2)(i) A coke oven battery owned or operated by an integrated steel producer on January 1, 1992, and listed in paragraph (d)(2)(ii) of this section, that was sold to a foundry coke producer before November 15, 1993, shall be deemed for the purposes of paragraph (d)(1) of this section to be owned or operated by a foundry coke producer on January 1, 1992.

(ii) The coke oven batteries that may qualify under this provision are the following:

(A) The coke oven batteries at the Bethlehem Steel Corporation's Lackawanna, New York facility; and

(B) The coke oven batteries at the Rouge Steel Company's Dearborn, Michigan facility.

(e) The emission limitations set forth in this subpart shall apply at all times except during a period of startup, shutdown, or malfunction. The startup period shall be determined by the Administrator and shall not exceed 180 days.

(f) After October 28, 1992, rules of general applicability promulgated under section 112 of the Act, including the General Provisions, may apply to coke ovens provided that the topic covered by such a rule is not addressed in this subpart.