

**Environmental Protection Agency**

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changes involving the addition of processes or equipment.

**§ 63.776 Delegation of authority.**

(a) In delegating implementation and enforcement authority to a State under section 112(l) of the Act, the authorities contained in paragraph (b) of this section shall be retained by the Administrator and not transferred to a State.

(b) Authorities will not be delegated to States for §§ 63.772 and 63.777 of this subpart.

**§ 63.777 Alternative means of emission limitation.**

(a) If, in the judgment of the Administrator, an alternative means of emission limitation will achieve a reduction in HAP emissions at least equivalent to the reduction in HAP emissions from that source achieved under the applicable requirements in §§ 63.764 through 63.771, the Administrator will publish in the FEDERAL REGISTER a notice permitting the use of the alternative means for purposes of compliance with that requirement. The notice may condition the permission on requirements related to the operation and maintenance of the alternative means.

(b) Any notice under paragraph (a) of this section shall be published only

after public notice and an opportunity for a hearing.

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

**§§ 63.778–63.779 [Reserved]**

APPENDIX TO SUBPART HH—TABLES

TABLE 1 TO SUBPART HH—LIST OF HAZARDOUS AIR POLLUTANTS FOR SUBPART HH

CAS Number <sup>a</sup>	Chemical name
75070 .....	Acetaldehyde
71432 .....	Benzene (includes benzene in gasoline)
75150 .....	Carbon disulfide
463581 .....	Carbonyl sulfide
100414 .....	Ethyl benzene
107211 .....	Ethylene glycol
50000 .....	Formaldehyde
110543 .....	n-Hexane
91203 .....	Naphthalene
108883 .....	Toluene
540841 .....	2,2,4-Trimethylpentane
1330207 .....	Xylenes (isomers and mixture)
95476 .....	o-Xylene
108383 .....	m-Xylene
106423 .....	p-Xylene

<sup>a</sup> CAS numbers refer to the Chemical Abstracts Services registry number assigned to specific compounds, isomers, or mixtures of compounds.

TABLE 2 TO SUBPART HH—APPLICABILITY OF 40 CFR PART 63 GENERAL PROVISIONS TO SUBPART HH

General provisions reference	Applicable to subpart HH	Explanation
§ 63.1(a)(1) .....	Yes	
§ 63.1(a)(2) .....	Yes	
§ 63.1(a)(3) .....	Yes	
§ 63.1(a)(4) .....	Yes	
§ 63.1(a)(5) .....	No .....	Section reserved.
§ 63.1(a)(6) through (a)(8) .....	Yes	
§ 63.1(a)(9) .....	No .....	Section reserved.
§ 63.1(a)(10) .....	Yes	
§ 63.1(a)(11) .....	Yes	
§ 63.1(a)(12) through (a)(14) .....	Yes	
§ 63.1(b)(1) .....	No .....	Subpart HH specifies applicability.
§ 63.1(b)(2) .....	Yes	
§ 63.1(b)(3) .....	No	
§ 63.1(c)(1) .....	No .....	Subpart HH specifies applicability.
§ 63.1(c)(2) .....	No	
§ 63.1(c)(3) .....	No .....	Section reserved.
§ 63.1(c)(4) .....	Yes	
§ 63.1(c)(5) .....	Yes	
§ 63.1(d) .....	No .....	Section reserved.
§ 63.1(e) .....	Yes	
§ 63.2 .....	Yes .....	Except definition of major source is unique for this source category and there are additional definitions in subpart HH.
§ 63.3(a) through (c) .....	Yes	

TABLE 2 TO SUBPART HH—APPLICABILITY OF 40 CFR PART 63 GENERAL PROVISIONS TO SUBPART HH—Continued

General provisions reference	Applicable to subpart HH	Explanation
§ 63.4(a)(1) through (a)(3)	Yes	
§ 63.4(a)(4)	No	Section reserved.
§ 63.4(a)(5)	Yes	
§ 63.4(b)	Yes	
§ 63.4(c)	Yes	
§ 63.5(a)(1)	Yes	
§ 63.5(a)(2)	No	Preconstruction review required only for major sources that commence construction after promulgation of the standard.
§ 63.5(b)(1)	Yes	
§ 63.5(b)(2)	No	Section reserved.
§ 63.5(b)(3)	Yes	
§ 63.5(b)(4)	Yes	
§ 63.5(b)(5)	Yes	
§ 63.5(b)(6)	Yes	
§ 63.5(c)	No	Section reserved.
§ 63.5(d)(1)	Yes	
§ 63.5(d)(2)	Yes	
§ 63.5(d)(3)	Yes	
§ 63.5(d)(4)	Yes	
§ 63.5(e)	Yes	
§ 63.5(f)(1)	Yes	
§ 63.5(f)(2)	Yes	
§ 63.6(a)	Yes	
§ 63.6(b)(1)	Yes	
§ 63.6(b)(2)	Yes	
§ 63.6(b)(3)	Yes	
§ 63.6(b)(4)	Yes	
§ 63.6(b)(5)	Yes	
§ 63.6(b)(6)	No	Section reserved.
§ 63.6(b)(7)	Yes	
§ 63.6(c)(1)	Yes	
§ 63.6(c)(2)	Yes	
§ 63.6(c)(3) through (c)(4)	No	Section reserved.
§ 63.6(c)(5)	Yes	
§ 63.6(d)	No	Section reserved.
§ 63.6(e)	Yes	Except as otherwise specified.
§ 63.6(e)(1)(i)	No	Addressed in § 63.762.
§ 63.6(e)(1)(ii)	Yes	
§ 63.6(e)(1)(iii)	Yes	
§ 63.6(e)(2)	Yes	
§ 63.6(e)(3)(i)	Yes	Except as otherwise specified.
§ 63.6(e)(3)(i)(A)	No	Addressed by § 63.762(c).
§ 63.6(e)(3)(i)(B)	Yes	
§ 63.6(e)(3)(i)(C)	Yes	
§ 63.6(e)(3)(ii) through (3)(vi)	Yes	
§ 63.6(e)(3)(vii)	Yes	
§ 63.6(e)(3)(vii)(A)	Yes	
§ 63.6(e)(3)(vii)(B)	Yes	Except that the plan must provide for operation in compliance with § 63.762(c).
§ 63.6(e)(3)(vii)(C)	Yes	
§ 63.6(e)(3)(viii)	Yes	
§ 63.6(f)(1)	Yes	
§ 63.6(f)(2)	Yes	
§ 63.6(f)(3)	Yes	
§ 63.6(g)	Yes	
§ 63.6(h)	No	Subpart HH does not require continuous emissions monitoring systems.
§ 63.6(i)(1) through (i)(14)	Yes	
§ 63.6(i)(15)	No	Section reserved.
§ 63.6(i)(16)	Yes	
§ 63.6(j)	Yes	
§ 63.7(a)(1)	Yes	
§ 63.7(a)(2)	Yes	
§ 63.7(a)(3)	Yes	
§ 63.7(b)	Yes	
§ 63.7(c)	Yes	
§ 63.7(d)	Yes	
§ 63.7(e)(1)	Yes	
§ 63.7(e)(2)	Yes	

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TABLE 2 TO SUBPART HH—APPLICABILITY OF 40 CFR PART 63 GENERAL PROVISIONS TO SUBPART HH—Continued

General provisions reference	Applicable to subpart HH	Explanation
§ 63.7(e)(3) .....	Yes	
§ 63.7(e)(4) .....	Yes	
§ 63.7(f) .....	Yes	
§ 63.7(g) .....	Yes	
§ 63.7(h) .....	Yes	
§ 63.8(a)(1) .....	Yes	
§ 63.8(a)(2) .....	Yes	
§ 63.8(a)(3) .....	No .....	Section reserved.
§ 63.8(a)(4) .....	Yes	
§ 63.8(b)(1) .....	Yes	
§ 63.8(b)(2) .....	Yes	
§ 63.8(b)(3) .....	Yes	
§ 63.8(c)(1) .....	Yes	
§ 63.8(c)(2) .....	Yes	
§ 63.8(c)(3) .....	Yes	
§ 63.8(c)(4) .....	No	
§ 63.8(c)(5) through (c)(8) .....	Yes	
§ 63.8(d) .....	Yes	
§ 63.8(e) .....	Yes .....	Subpart HH does not specifically require continuous emissions monitor performance evaluations, however, the Administrator can request that one be conducted.
§ 63.8(f)(1) through (f)(5) .....	Yes	
§ 63.8(f)(6) .....	No .....	Subpart HH does not require continuous emissions monitoring.
§ 63.8(g) .....	No .....	Subpart HH specifies continuous monitoring system data reduction requirements.
§ 63.9(a) .....	Yes	
§ 63.9(b)(1) .....	Yes	
§ 63.9(b)(2) .....	Yes .....	Sources are given 1 year (rather than 120 days) to submit this notification.
§ 63.9(b)(3) .....	Yes	
§ 63.9(b)(4) .....	Yes	
§ 63.9(b)(5) .....	Yes	
§ 63.9(c) .....	Yes	
§ 63.9(d) .....	Yes	
§ 63.9(e) .....	Yes	
§ 63.9(f) .....	Yes	
§ 63.9(g) .....	Yes	
§ 63.9(h)(1) through (h)(3) .....	Yes	
§ 63.9(h)(4) .....	No .....	Section reserved.
§ 63.9(h)(5) through (h)(6) .....	Yes	
§ 63.9(i) .....	Yes	
§ 63.9(j) .....	Yes	
§ 63.10(a) .....	Yes	
§ 63.10(b)(1) .....	Yes	
§ 63.10(b)(2) .....	Yes	
§ 63.10(b)(3) .....	No	
§ 63.10(c)(1) .....	Yes	
§ 63.10(c)(2) through (c)(4) .....	No .....	Sections reserved.
§ 63.10(c)(5) Through (c)(8) .....	Yes	
§ 63.10(c)(9) .....	No .....	Section reserved.
§ 63.10(c)(10) through (c)(15) .....	Yes	
§ 63.10(d)(1) .....	Yes	
§ 63.10(d)(2) .....	Yes	
§ 63.10(d)(3) .....	Yes	
§ 63.10(d)(4) .....	Yes	
§ 63.10(d)(5) .....	Yes .....	Subpart HH requires major sources to submit a startup, shutdown and malfunction report semi-annually.
§ 63.10(e)(1) .....	Yes	
§ 63.10(e)(2) .....	Yes	
§ 63.10(e)(3)(i) .....	Yes .....	Subpart HH requires major sources to submit Periodic Reports semi-annually.
§ 63.10(e)(3)(i)(A) .....	Yes	
§ 63.10(e)(3)(i)(B) .....	Yes	
§ 63.10(e)(3)(i)(C) .....	No .....	Subpart HH does not require quarterly reporting for excess emissions.
§ 63.10(e)(3)(ii) through (viii) .....	Yes	
§ 63.10(f) .....	Yes	

TABLE 2 TO SUBPART HH—APPLICABILITY OF 40 CFR PART 63 GENERAL PROVISIONS TO SUBPART HH—Continued

General provisions reference	Applicable to subpart HH	Explanation
§ 63.11(a) and (b) .....	Yes	
§ 63.12(a) through (c) .....	Yes	
§ 63.13(a) through (c) .....	Yes	
§ 63.14(a) and (b) .....	Yes	
§ 63.15(a) and (b) .....	Yes	

**Subpart II—National Emission Standards for Shipbuilding and Ship Repair (Surface Coating)**

SOURCE: 60 FR 64336, Dec. 15, 1995, unless otherwise noted.

**§ 63.780 Relationship of subpart II to subpart A of this part.**

Table 1 of this subpart specifies the provisions of subpart A of this part that apply to owners and operators of sources subject to the provisions of this subpart.

**§ 63.781 Applicability.**

(a) The provisions of this subpart apply to shipbuilding and ship repair operations at any facility that is a major source.

(b) The provisions of this subpart do not apply to coatings used in volumes of less than 200 liters (52.8 gallons) per year, provided the total volume of coating exempt under this paragraph does not exceed 1,000 liters per year (264 gallons per year) at any facility. Coatings exempt under this paragraph shall be clearly labeled as “low-usage exempt,” and the volume of each such coating applied shall be maintained in the facility’s records.

(c) The provisions of this subpart do not apply to coatings applied with hand-held, nonrefillable, aerosol containers or to unsaturated polyester resin (i.e., fiberglass lay-up) coatings. Coatings applied to suitably prepared fiberglass surfaces for protective or decorative purposes are subject to this subpart.

(d) The provisions in subpart A of this part pertaining to startups, shutdowns, and malfunctions and continuous monitoring do not apply to this source category unless an add-on con-

trol system is used to comply with this subpart in accordance with § 63.783(c).

**§ 63.782 Definitions.**

Terms used in this subpart are defined in the Clean Air Act (CAA), in subpart A of part 63, or in this section as follows:

*Add-on control system* means an air pollution control device such as a carbon absorber or incinerator that reduces pollution in an air stream by destruction or removal prior to discharge to the atmosphere.

*Affected source* means any shipbuilding or ship repair facility having surface coating operations with a minimum 1,000 liters (L) (264 gallons [gal]) annual marine coating usage that is subject to this subpart.

*Air flask specialty coating* means any special composition coating applied to interior surfaces of high pressure breathing air flasks to provide corrosion resistance and that is certified safe for use with breathing air supplies.

*Antenna specialty coating* means any coating applied to equipment through which electromagnetic signals must pass for reception or transmission.

*Antifoulant specialty coating* means any coating that is applied to the underwater portion of a vessel to prevent or reduce the attachment of biological organisms and that is registered with the EPA as a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act.

*As applied* means the condition of a coating at the time of application to the substrate, including any thinning solvent.

*As supplied* means the condition of a coating before any thinning, as sold and delivered by the coating manufacturer to the user.

*Batch* means the product of an individual production run of a coating