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IMPLEMENTATION TOOL FOR THE ORGANIC LIQUIDS DISTRIBUTION NESHAP

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Implementation Tool for the Organic Liquids Distribution NESHAP

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Table of Contents

Section **Page**

1.0 Purpose **1**

2.0 Applicability and Regulatory Summary Flow Charts **2**

2.1 General Applicability of the Standards 2
2.2 Applicability for Storage Tanks 9
2.3 Emission Limits, Operating Limits, and Work Practice Standards for Storage Tanks 12
2.4 Applicability for Containers 17
2.5 Emission Limits, Operating Limits, and Work Practice Standards For Containers 19
2.6 Applicability for Transfer Racks 21
2.7 Emission Limits, Operating Limits, and Work Practice Standards for Transfer Racks 24
2.8 Applicability for Equipment Leak Components 27
2.9 Leak Detection and Repair Requirements for Equipment Leaks 30
2.10 Monitoring of Equipment Components in Gas-Vapor Service and/or Light Liquid Service under Subpart TT, UU, or Subpart H when using Vapor Balancing 32
2.11 Requirements for Affected Equipment not Requiring Control 34
2.12 Compliance Timeline 38
2.13 Monitoring and Demonstrating Continuous Compliance 44

3.0 Questions and Answers **53**

4.0 Glossary of Defined Terms **62**

Appendices

Appendix A Table 1 ..... A-1
Appendix A Table 2 ..... A-2
Appendix A Table 3 ..... A-9
Appendix A Table 4 ..... A-12
Appendix A Table 5 ..... A-14
Appendix A Table 6 ..... A-18
Appendix A Table 7 ..... A-19
Appendix A Table 8 ..... A-21
Appendix A Table 9 ..... A-22
Appendix A Table 10 ..... A-28
Appendix A Table 11 ..... A-31
Appendix A Table 12 ..... A-32

List of Tables

Table **Page**

2.11.1 What are my Requirements for Equipment Not Requiring Control? 36
2.12.1 List of Reports and Notifications Required by Subpart EEEE 41
2.13.1 Continuous Compliance Requirements for Storage Tanks 45
2.13.2 Continuous Compliance Requirements for Transfer Racks.....47
2.13.3 Continuous Compliance Requirements for Equipment Leaks.....51

List of Figures

Figure **Page**

2.1(a) Am I Subject to Subpart EEEE?.....4
2.1(b) Applicability Determinations for Storage Tanks, Containers, Transfer Racks, and Equipment Leaks.....5
2.1(c) Determining if your Source is New/Reconstructed or Existing 6
2.2 Is my Storage Tank Part of the Affected Source?.....10
2.3(a) Requirements for Crude Oil Storage Tanks 14
2.3(b) Control Requirements for Storage Tanks at Existing Sources.....15
2.3(c) Emission Limits for Storage Tanks at New/Reconstructed Sources.....16
2.4 Applicability for Containers 17
2.5 Emission Limits, Operating Limits, and Work Practice Standards for Containers.....20
2.6 Determining Applicability for Transfer Racks 22
2.7(a) Emission Limits, Operating Limits, and Work Practice Standards for Transfer Racks at Existing Facilities 25
2.7(b) Emission Limits, Operating Limits, and Work Practice Standards for Transfer Racks at New/Reconstructed Facilities 26
2.8 Are my Equipment Leak Components part of the Affected Source? 28
2.9 Leak Detection and Repair Requirements for Equipment Leaks.....31
2.10 Do I have to Comply with the Monitoring Requirements for Additional Equipment Components 33
2.12(a) What is my Compliance Timeline for New/Reconstructed Sources? 39
2.12(b) What are the Compliance Timelines for my Existing Source? 40

ORGANIC LIQUIDS DISTRIBUTION IMPLEMENTATION TOOL

1.0 PURPOSE

The purpose of this implementation tool is to assist facilities in understanding and complying with the Organic Liquids Distribution National Emission Standard for Hazardous Air Pollutants (OLD NESHAP – 40 CFR 63 Subpart EEEE). The OLD NESHAP was promulgated on February 3, 2004. Amendments to the OLD NESHAP were published on July 28, 2006, and are integrated into the information presented in this implementation tool. This implementation tool provides both textual explanations and flowcharts that can be used to assist a facility in determining the applicability, and regulatory requirements of the OLD NESHAP. The compliance date for existing sources was February 3, 2007; and for new sources is upon start-up.

This implementation tool is organized to provide detailed information on various aspects of the OLD NESHAP.

- Section 2 provides explanatory text and flowcharts for determining the applicability and requirements for storage tanks, transfer racks, containers, equipment leaks, and equipment not requiring control. This section also provides a summary and flowchart to assist in the understanding of the compliance timeline for new/reconstructed sources, existing sources, and area sources. Information on required notifications as well as continuous compliance is also provided.
- Section 3 contains questions and answers to issues that have been raised throughout the rule making process.
- Section 4 contains a detailed glossary of defined terms. The glossary is a compilation of terms from the OLD NESHAP and other rules that are incorporated by reference.
- The appendices contain all the tables from the OLD NESHAP.

2.0 APPLICABILITY AND REGULATORY SUMMARY FLOW CHARTS

2.1 General Applicability of the Standards

To determine if you are subject to the OLD NESHAP, you must first determine if you are a major source. Major sources emit at a minimum 10 tons per year (tpy) of an individual hazardous air pollutant (HAP) or 25 tpy of a combination of HAP. Subsequently, you must determine if you have organic liquids and organic liquids distribution activities at your facility. The following two bullets provide information on the definition of organic liquids and organic liquids distribution activities.

Key Points

- The OLD NESHAP only applies to major sources.
- Organic liquids as defined by the rule do not include gasoline or other fuels.
- An affected source is the collection of activities and equipment used to distribute organic liquids into, out of, or within a major source facility.
- Distribution refers to the transfer of organic liquids into, out of, or within a plant site regardless off the specific activity being performed.
- Major source status of your facility is determined based on all HAP compounds; but only 92 HAPs are used to meet the HAP content criteria in the definition of organic liquid in §63.2406.

- Organic liquids include any non-crude oil liquid or liquid mixture that contains at least 5 percent by weight or greater of organic HAP listed in Table 1 of the OLD NESHAP. Organic liquids also include crude oils downstream of the first point of custody transfer. Organic liquids do not include gasoline or other liquids used as fuels, hazardous waste, waste water, ballast water, or any other non-crude oil liquids with annual average true vapor pressures less than 0.7 kilopascals (0.1 psia).

- Organic liquids distribution operations are carried out at storage terminals, refineries, crude pipeline stations, and various manufacturing facilities. OLD-type operations include the combination of activities and equipment used to store or transfer organic liquids into, out of, or within a plant site regardless of the specific activity being performed. OLD-type activities include the storage, transfer, blending, compounding, and packaging of liquids.

Certain types of plants that have OLD-type operations are not subject to this rule and include:

- research and development facilities,
- oil and natural gas production field facilities, and
- natural gas transmission and storage facilities.

If you determine that you do not have any organic liquids, or that you do not distribute organic liquids, you are not subject to the OLD NESHAP.

Throughout this implementation tool, the words "affected source" are used. An affected source is composed of:

- all storage tanks storing organic liquids.
- all transfer racks at which organic liquids are loaded into or unloaded out of transport vehicles and/or containers.
- all equipment leak components in organic liquids services that are associated with: storage tanks, transfer racks, various types of pipelines and pipeline transfers.
- all transport vehicles while they are loading or unloading organic liquids at transfer racks subject to Subpart EEEE.
- all containers while they are loading or unloading organic liquids at transfer racks subject to Subpart EEEE.

Figure 2.1(a) helps you determine if you are subject to Subpart EEEE. Figure 2.1(b) helps you determine if any of your emission sources are subject to Subpart EEEE. Figure 2.1(b) also steers you to the section within this implementation tool pertaining to the emissions source of interest. Finally, Figure 2.1(c) helps you determine if your facility is new/reconstructed or existing.

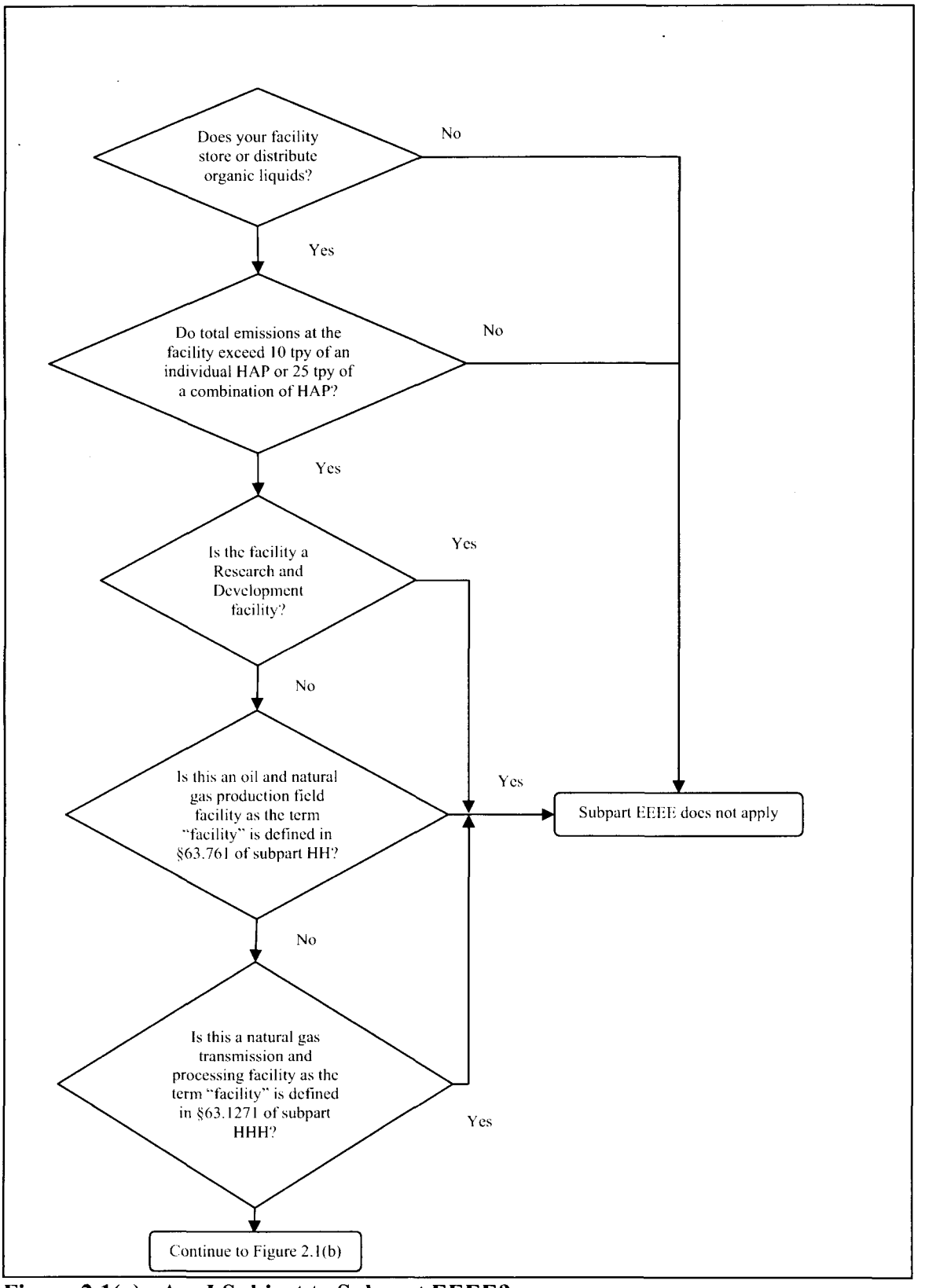


Figure 2.1(a). Am I Subject to Subpart EEEE?

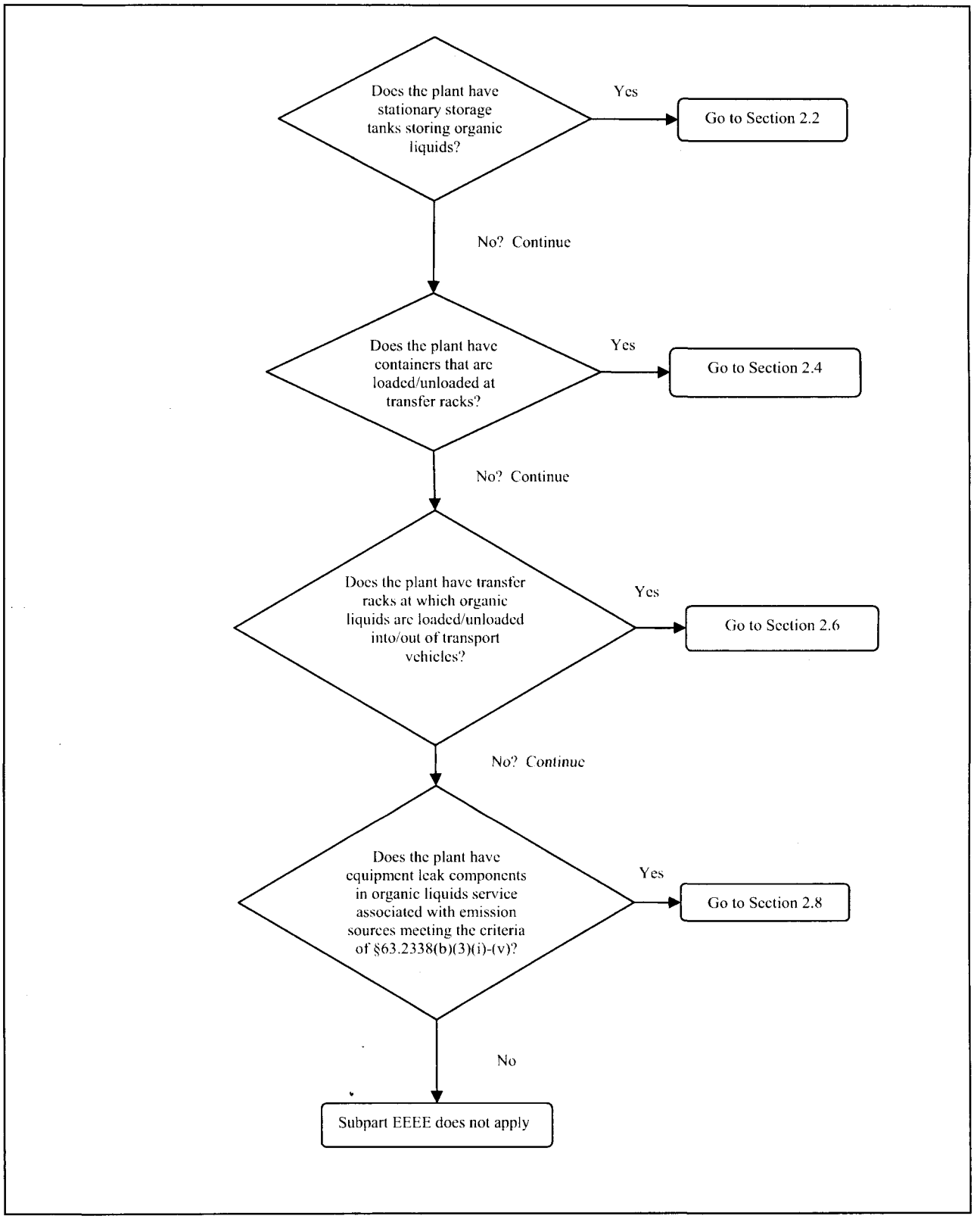


Figure 2.1(b). Applicability Determinations for Storage Tanks, Containers, Transfer Racks, and Equipment Leaks

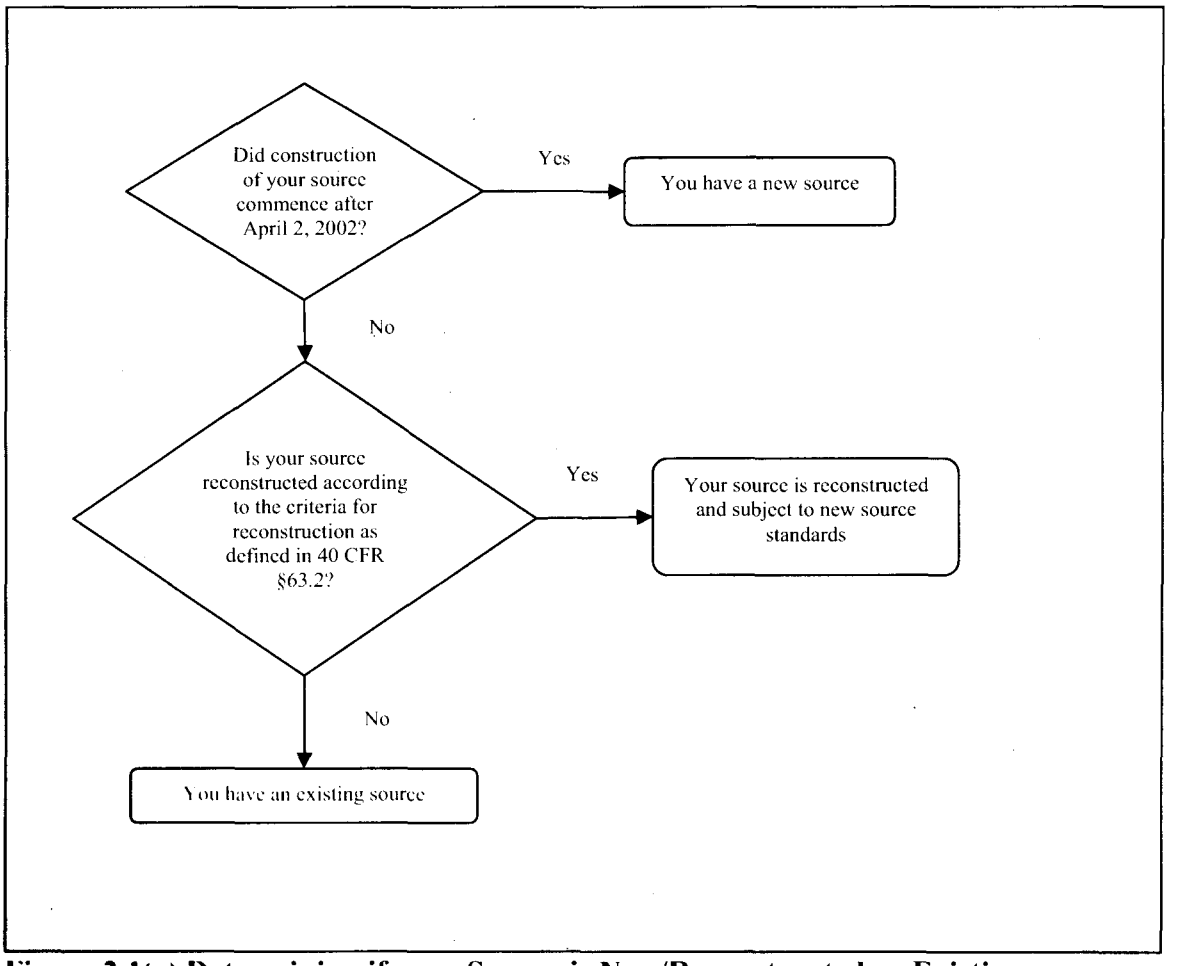


Figure 2.1(c) Determining if your Source is New/Reconstructed or Existing

Key Terms:

1. **Affected source**, for the purposes of this part, means the collection of equipment, activities, or both within a single contiguous area and under common control that is included in a section 112(c) source category or subcategory for which a section 112(d) standard or other relevant standard is established pursuant to section 112 of the Act. For the purpose of OLD MACT, the affected source is defined as the collection of activities and equipment used to distribute organic liquids into, out of, or within a facility that is a major source of HAP. The affected source is composed of: (1) All storage tanks storing organic liquids. (2) All transfer racks at which organic liquids are loaded into or unloaded out of transport vehicles and/or containers. (3) All equipment leak components in organic liquids service that are associated with: (i) Storage tanks storing organic liquids; (ii) Transfer racks loading or unloading organic liquids; (iii) Pipelines that transfer organic liquids directly between two storage tanks that are subject to this subpart; (iv) Pipelines that transfer organic liquids directly between a storage tank subject to this subpart and a transfer rack subject to this subpart; and (v) Pipelines that transfer organic liquids directly between two transfer racks that are subject to this subpart. (4) All transport vehicles while they are loading or unloading organic liquids at transfer racks subject to this subpart. (5) All containers while they are loading or unloading organic liquids at transfer racks subject to this subpart (§63.2338 (b) (1)-(5)).

2. **Construction** means the on-site fabrication, erection, or installation of an affected source. Construction does not include the removal of all equipment comprising an affected source from an existing location and reinstallation of such equipment at a new location. The owner or operator of an existing affected source that is relocated may elect not to reinstall minor ancillary equipment including, but not limited to, piping, ductwork, and valves. However, removal and reinstallation of an affected source will be construed as reconstruction if it satisfies the criteria for reconstruction as defined in this section. The costs of replacing minor ancillary equipment must be considered in determining whether the existing affected source is reconstructed.

3. **Organic liquids** means: 1) Any non-crude oil liquid or liquid mixture that contains 5 percent by weight or greater of the organic HAP as determined using the procedures specified in §63.2354(c). 2) Any crude oils downstream of the first point of custody transfer. 3) Organic liquids do not include the following: gasoline (including aviation gasoline), kerosene (No. 1 distillate oil), diesel (No. 2 distillate oil), asphalt, and heavier distillate oils and fuel oils. Organic liquids also do not include any fuel consumed or dispensed on the plant site directly to users (such as fuels for fleet refueling or for refueling marine vessels that support the operation of the plant), hazardous waste, wastewater, ballast water, or any non-crude oil liquid with an annual average true vapor pressure less than 0.7 kilopascals (0.1 psia).

4. **Organic liquids distribution operations** means the combination of activities and equipment used to store or transfer organic liquids into, out of, or within a plant site regardless of the specific activity being performed. Activities include, but are not limited to, storage, transfer, blending, compounding, and packaging.

5. **In organic liquids service** means that an equipment leak component contains or contacts organic liquids having 5 percent by weight or greater of the organic HAP listed in Table 1 to Subpart EEEE.

6. **Research and Development Facility** means a laboratory and/or pilot plant operation 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 which are not engaged in the manufacture of products for commercial sale, except in a de minimis manner.

7. **Reconstruction** means the replacement of components of an affected or a previously nonaffected source to such an extent 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 hazardous air pollutants from that source.

2.2 Applicability for Storage Tanks

At this point you have determined that you have a facility that is subject to the OLD NESHAP, and that you have a storage tank. Figure 2.2 allows you to determine if your storage tank is part of an affected source.

Key Points

- All storage tanks storing organic liquids are subject to the OLD NESHAP unless specifically excluded by the rule.
- A storage tank is a stationary unit that is designed to hold a bulk quantity of liquid. Storage tanks excluded from the rule include: units permanently attached to conveyances such as trucks, trailers, rail cars, barges, or ships; pressure vessels; bottoms receivers; surge control vessels; vessels storing wastewater; or reactor vessels.

The following types of storage tanks are not part of the affected source:

- storage tanks that are subject to a different 40 CFR Part 63 NESHAP,
- storage tanks that are "non-permanent," and
- storage tanks that are used to conduct standard maintenance activities, such as stormwater management, liquid removal from tanks for inspections and maintenance, or changeovers to a different liquid stored in a storage tank.

Floating roof storage tanks that are part of the OLD NESHAP affected source but that are in compliance with either 40 CFR 60, Subpart Kb, or 40 CFR Part 61, Subpart Y are considered to be in compliance with the OLD NESHAP. Similarly, fixed roof storage tanks that are controlled with a closed vent system and control device and that are in compliance with 40 CFR Part 60, subpart Kb or 40 CFR Part 61, Subpart Y can remain in compliance with those subparts to establish compliance with the OLD NESHAP.

Alternatively, if your storage tank is part of an OLD affected source, but is subject to control under the above mentioned subparts, you can comply with the storage tank standards that are included in Table 2 of the OLD NESHAP.

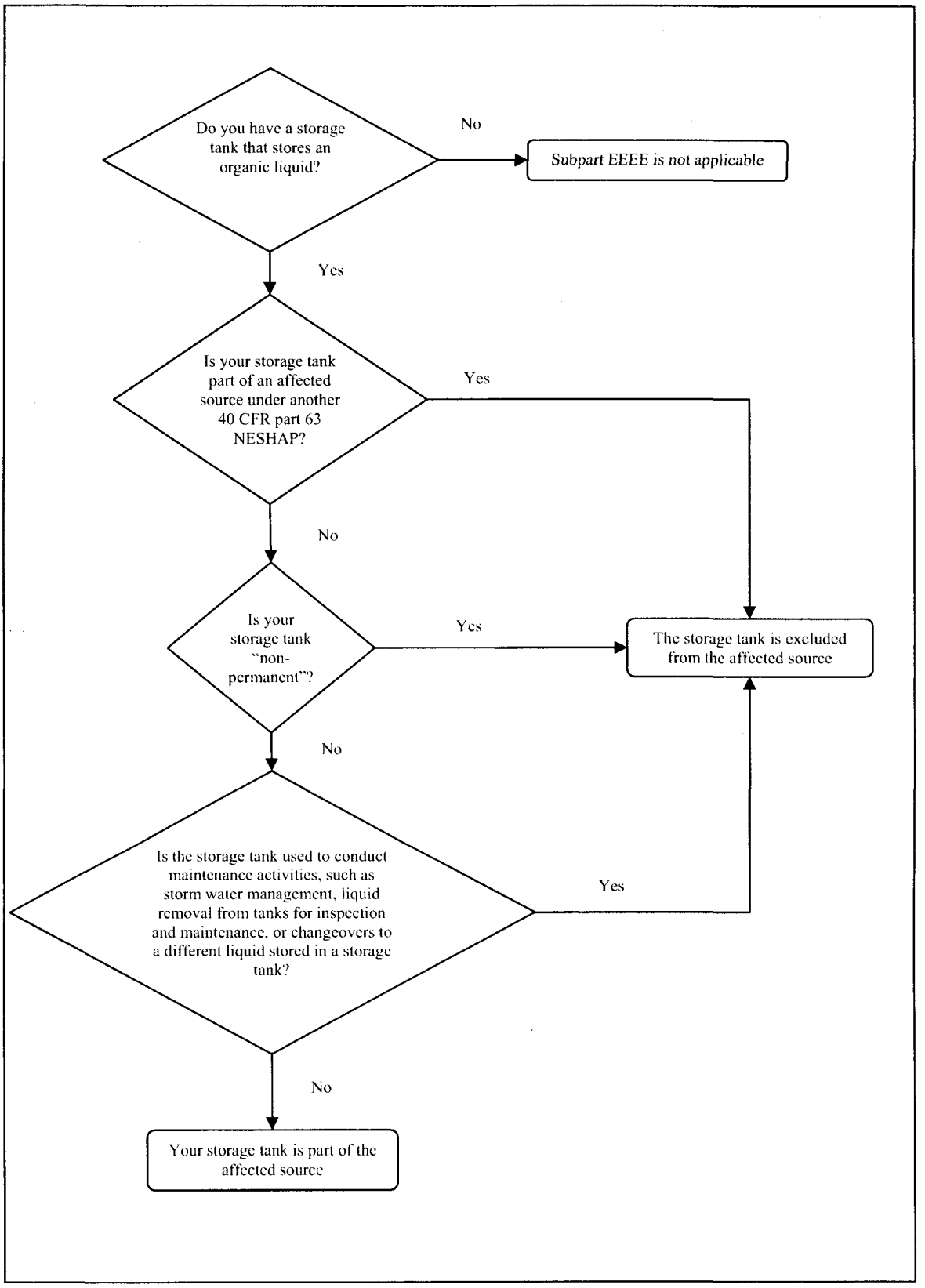


Figure 2.2 Is my Storage Tank Part of the Affected Source?

Key Terms

1. **Storage tank** means a stationary unit that is constructed primarily of nonearthen materials (such as wood, concrete, steel, or reinforced plastic) that provide structural support and is designed to hold a bulk quantity of liquid. Storage tanks do not include units permanently attached to conveyances such as trucks, trailers, rail cars, barges, or ships, pressure vessels designed to operate in excess of 204.9 kilopascals and without emissions to the atmosphere, bottom receivers, surge control vessels, vessels storing wastewater, or reactor vessels associated with a manufacturing process unit.

2. **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 vapors from an emission point to a control device. This system does not include the vapor collection system that is part of some transport vehicles or the loading arm or hose that is used for vapor return. For transfer racks, the closed vent system begins at, and includes, the first block valve on the downstream side of the loading arm or hose used to convey displaced vapors.

3. **Control device** means any combustion device, recovery device, recapture device, or any combination of these devices used to comply with this subpart. Such equipment or devices include, but are not limited to, absorbers, adsorbers, condensers, and combustion devices. Primary condensers, steam strippers, and fuel gas systems are not considered control devices.

2.3 Emission Limits, Operating Limits, and Work Practice Standards for Storage Tanks

Whether a storage tank must be controlled and to what extent depends on the size of the tank and the vapor pressure of the organic liquid stored within the tank. In addition, control requirements vary depending on whether the tank is at a new/reconstructed or existing affected source.

KEY POINT

- Even though your storage tank may be subject to the OLD NESHAP, it may not require control.

Facilities to which the standards for storage tanks apply have various options for achieving compliance with the emission limits presented in Table 2. Facilities may:

- reduce emissions of total organic HAP by at least 95 weight-percent, or, as an option, to an exhaust concentration less than or equal to 20 ppmv,
- vent emissions through a closed vent system to any combination of control devices meeting the applicable requirements of 40 CFR part 63, subpart SS,
- comply with the work practice standards specified in Table 4, items 1.a, 1.b, or 1.c for tanks storing liquids described in that table.

Items 1.a, 1.b, and 1.c of Table are specific to work practice standards and offer a facility three options.

- The first option allows you to comply with the requirements of 40 CFR 63, Subpart WW (control level 2).
- The second option allows you to comply with the requirements of 40 CFR 63, Subpart SS (§63.984) for routing emissions to a fuel gas system or back to a process.
- The third option allows you to comply with the requirements of §63.2346(a)(4) for vapor balancing emissions to the transport vehicle from which the storage tanks is filled.

The OLD NESHAP also addresses compliance requirements you have if your facility is subject to both Subpart EEEE and another subpart. Specifically, §63.2396(a) provides information on complying with Subpart EEEE and other subparts for fixed and floating roof storage tanks. For example, you are in compliance with Subpart EEEE if you have floating roof storage tank that is in compliance with the provisions of 40 CFR part 60, Subpart Kb, or 40 CFR 61, Subpart Y, except that records must be kept for 5 years rather than 2 years for storage tanks that are assigned to the OLD affected source. Similarly, if you have a fixed roof storage tank that is in compliance with the above-referenced subparts, you are in compliance with Subpart EEEE except that you must comply with the monitoring, recordkeeping, and reporting requirements of Subpart EEEE. Finally, if you have a storage tank that is assigned to the OLD affected source and is subject to control under 40 CFR 60, Subpart Kb, or 40 CFR 61, Subpart Y, you can chose to

comply only with the requirements of Subpart EEEE for storage tanks that meet the applicability criteria for control in Table 2.

Figure 2.3(a) provides the requirements for storage tanks. Figure 2.3(a) directs to you to either Figure 2.3(b) for existing sources or Figure 2.3(c) for new/reconstructed sources.

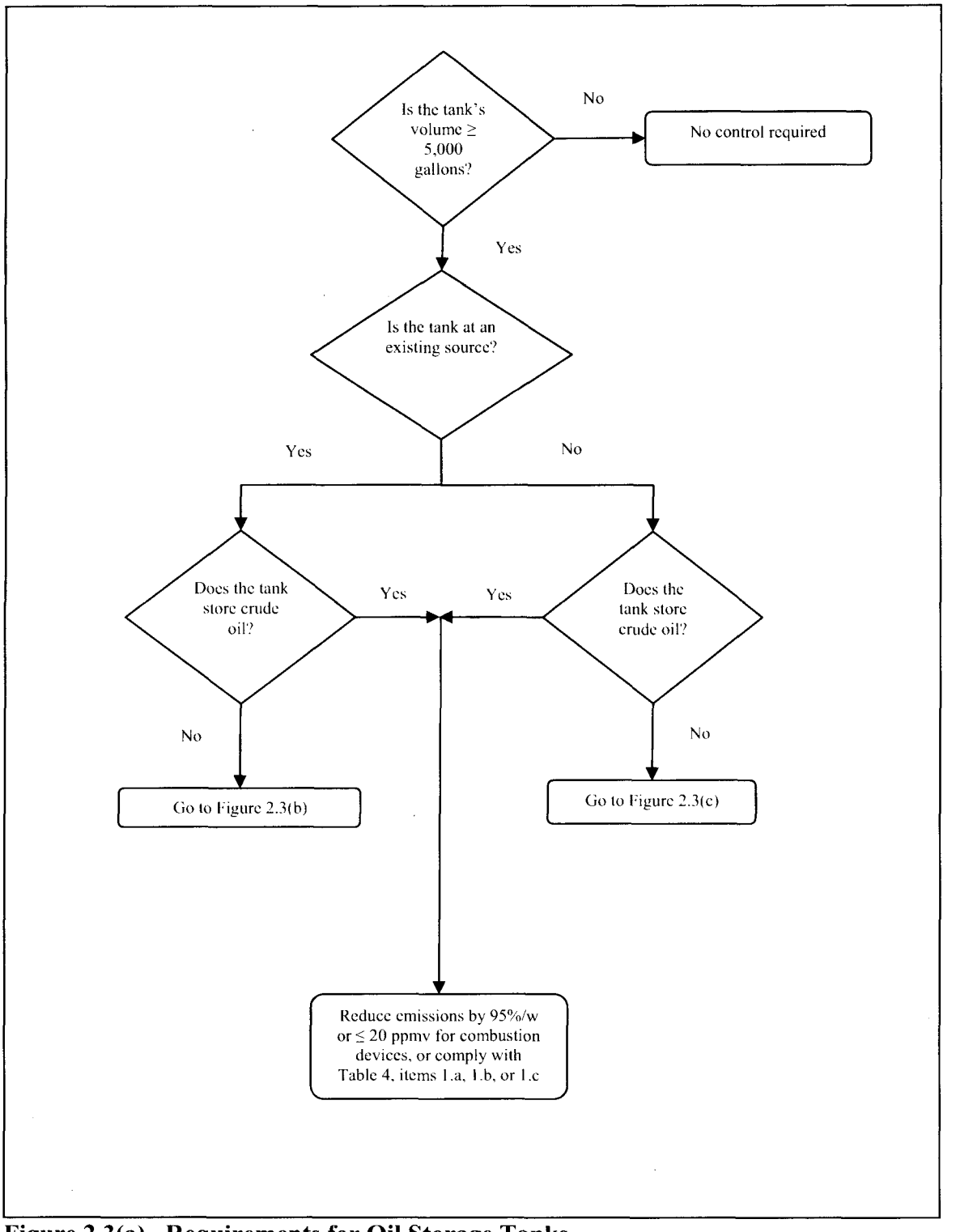


Figure 2.3(a). Requirements for Oil Storage Tanks

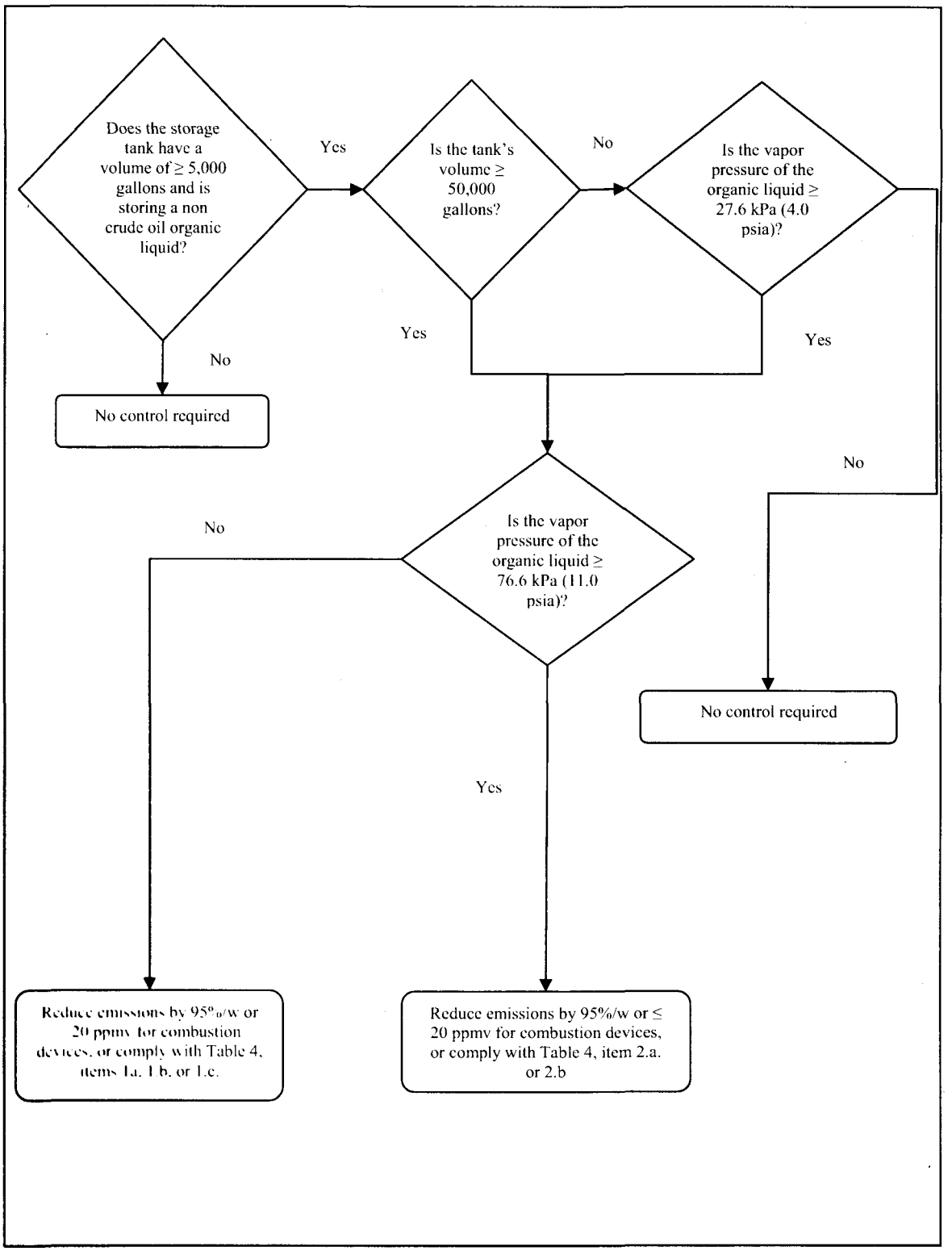


Figure 2.3(b). Control Requirements for Storage Tanks at Existing Sources

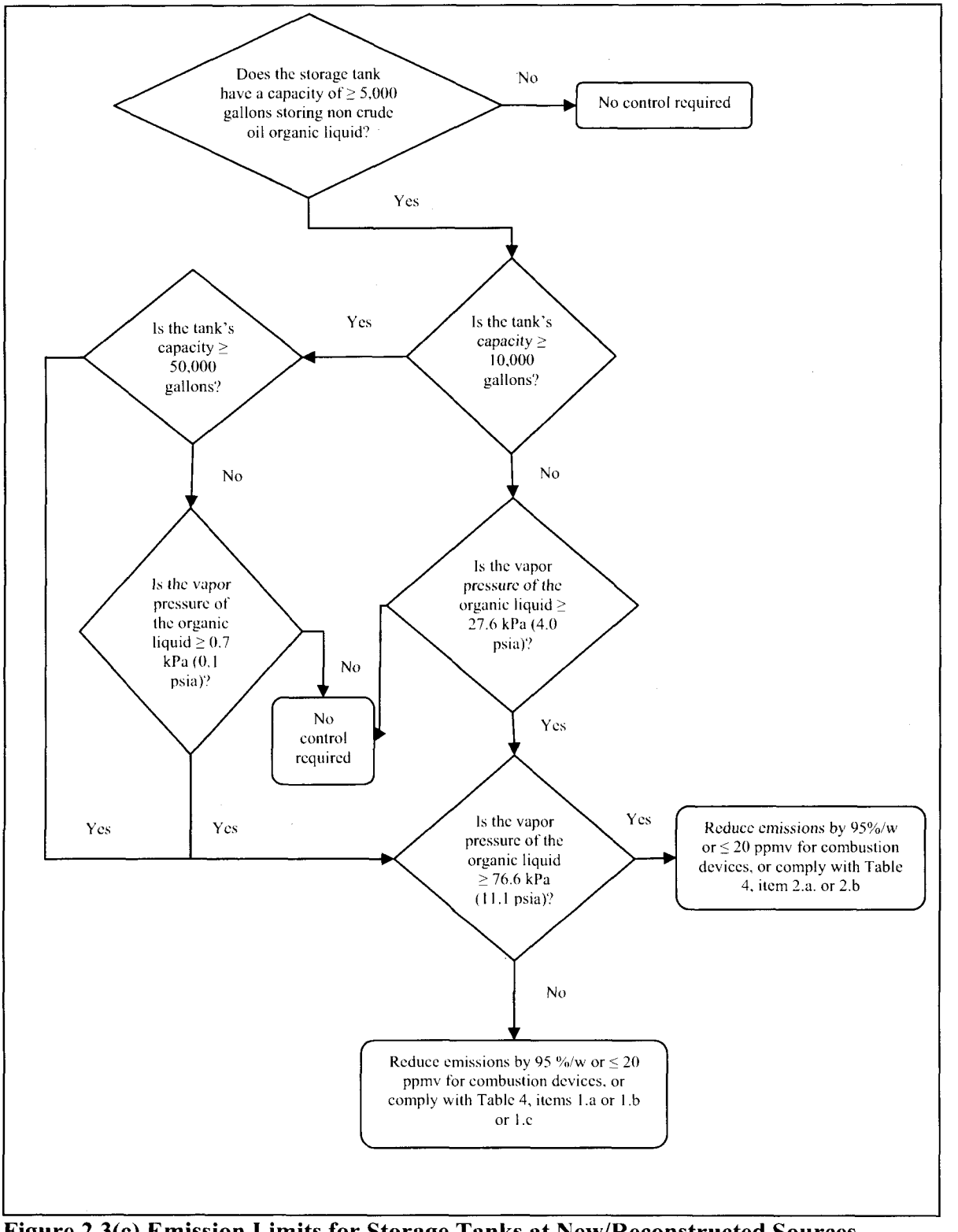


Figure 2.3(c) Emission Limits for Storage Tanks at New/Reconstructed Sources

2.4 Applicability for Containers

Containers are portable storage vessels in which liquids can be stored and transported. Typically, they are plastic units that are oftentimes surrounded by metal framework. A tote is synonymous with containers. Containers are specifically referenced in 40 CFR 63.2338, and the rule states that they are subject to the OLD NESHAP while they are being loaded or unloaded with organic liquids at transfer racks at new or reconstructed facilities.

Key Points

- All containers, unless specifically excluded by the rule, are subject to the OLD NESHAP while they are loading/unloading at transfer racks.
- Containers specifically include drums and portable cargo containers called "totes."

Containers are specifically excluded from the affected source if:

- they are part of an affected source under another 40 CFR part 63 NESHAP,
- they are used in special situation distribution loading/unloading operations, and
- they are used to conduct maintenance activities, such as stormwater management, liquid removal from tanks for inspections and maintenance, or changeovers to a different liquid stored in a storage tank.

Figure 2.4 is designed to help you determine if your container is subject to the OLD NESHAP.

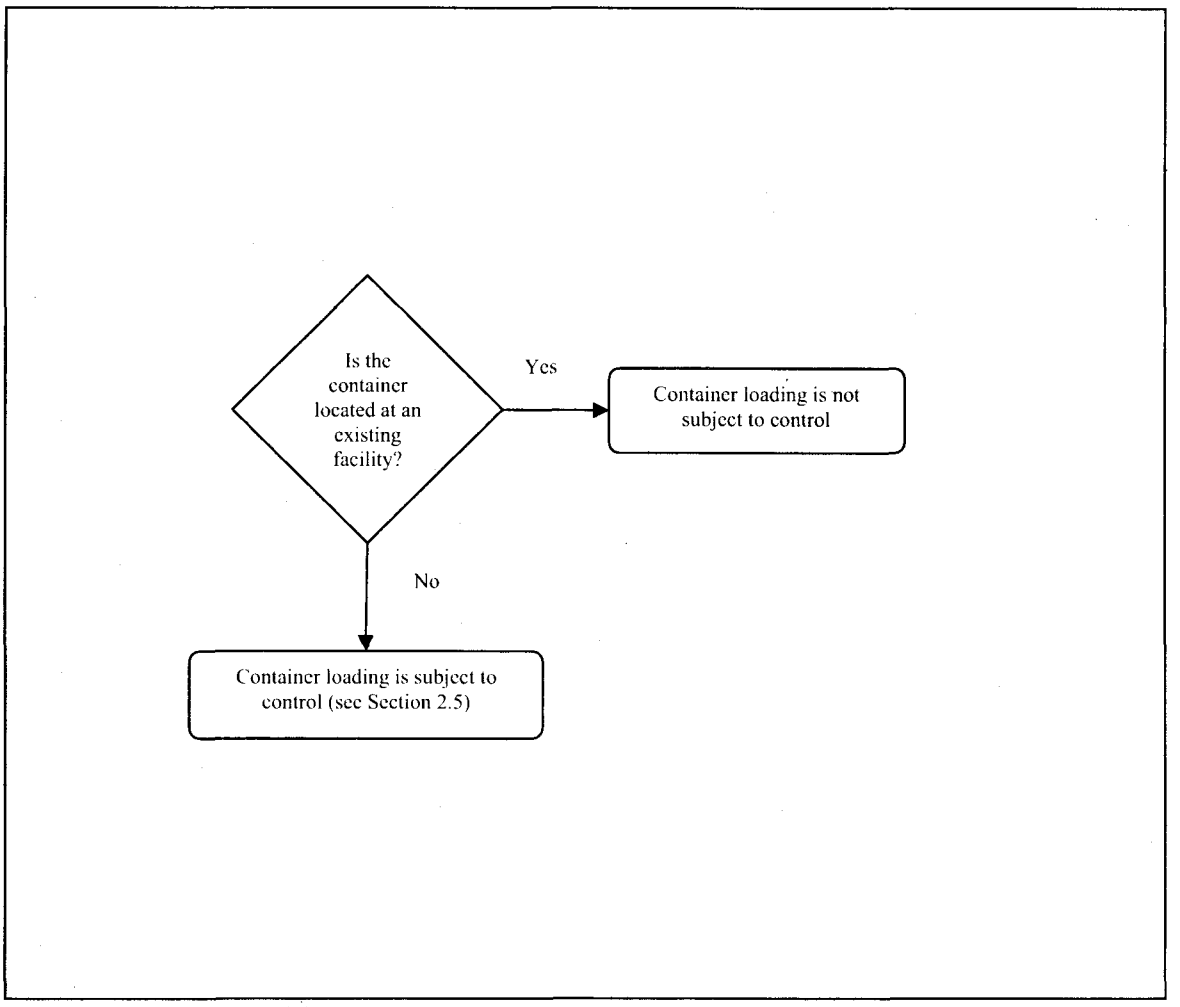


Figure 2.4 Applicability for Containers

Key Term

1. **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 and portable cargo containers known as "portable tanks" or "totes."

2.5 Emission Limits, Operating Limits, and Work Practice Standards for Containers

All containers at affected sources are subject to the OLD NESHAP unless they are specifically excluded. Only containers having volumes equal to or greater than 55 gallons that are filled by transfer racks at new/reconstructed facilities require control. You can control container filling by complying with §63.924 through §63.927 of 40 CFR 63 Subpart PP (National Emission Standards for Containers, Container Level 3 Controls) or by complying with the work practice standards specified in Item 3.a of Table 4 to Subpart EEEE.

Key Point

- Only containers having capacities ≥55 gallons at new facilities require control.

Figure 2.5 helps you identify the control requirements for containers.

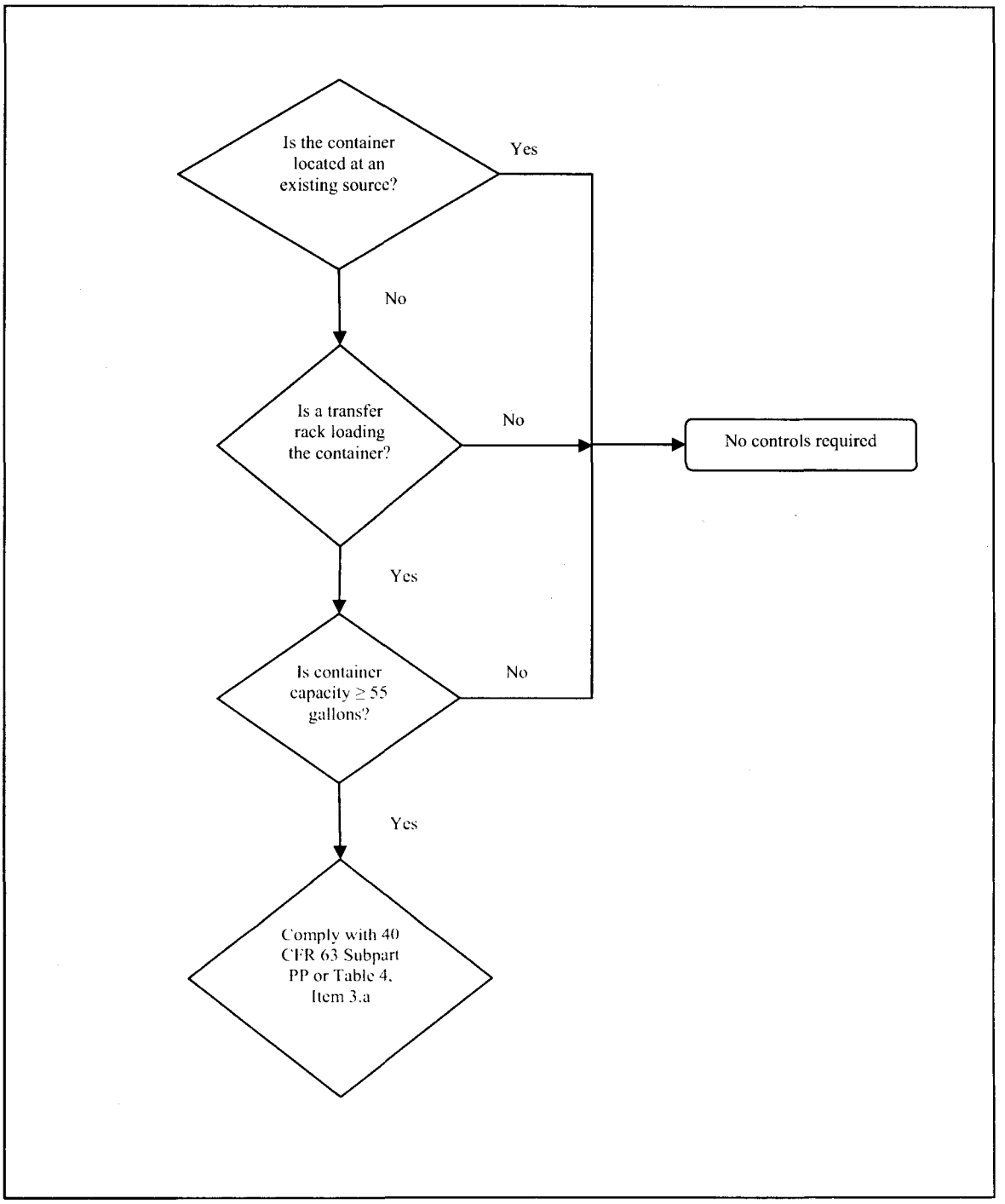


Figure 2.5 Emission Limits, Operating Limits, and Work Practice Standards for Containers

2.6 Applicability for Transfer Racks

Subpart EEEE states that all transfer racks at which organic liquids are loaded into or unloaded out of transport vehicles and/or containers are subject to the rule, except as follows:

Key Points

- By definition, a transfer rack only loads/unloads organic liquids into transport vehicles or containers.
- Transport vehicle means a cargo tank or tank car.

- transfer racks that are part of an affected source under another 40 CFR Part 63 NESHAP,
- non-permanent transfer racks when used in special situation distribution loading and unloading operations, and,
- transfer racks that are used to conduct maintenance activities, such as storm water management, liquid removal from tanks for inspections and maintenance, or changeovers to a different liquid stored in a storage tank.

The OLD NESHAP also addresses compliance requirements you have if your facility is subject to both Subpart EEEE and another subpart. Specifically, §63.2396(b) states that if you have transfer racks that are subject to 40 CFR Part 61, subpart BB (National Emission Standard for Hazardous Air Pollutants for Benzene Emissions from Benzene Transfer Operations), you are required to meet all the requirements of Subpart EEEE while the transfer rack is in OLD operation during the loading of organic liquids.

The flowchart in Figure 2.6 assists you in determining the applicability of the transfer rack standards in Subpart EEEE to your facility.

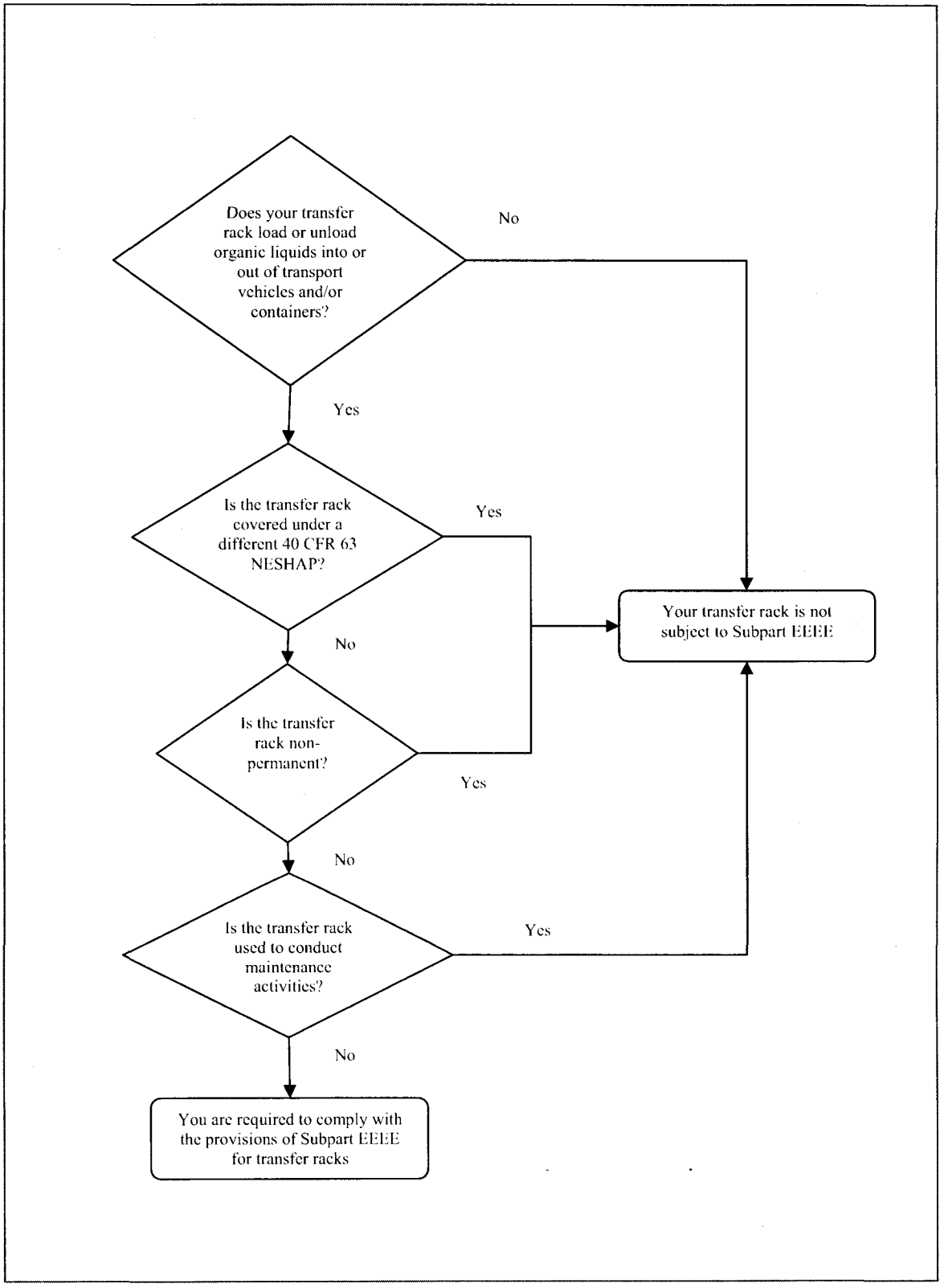


Figure 2.6 Determining Applicability for Transfer Racks

Key Term

1. **Transfer rack** means a single system used to load organic liquids into, or unload organic liquids out of, transport vehicles or containers. It includes all loading or unloading arms, pumps, meters, shutoff valves, relief valves, and other piping and equipment necessary for the transfer operation. Transfer equipment and operations that are physically separate (i.e., do not share common piping, valves, and other equipment) are considered to be separate transfer racks.

2. **Cargo tank** means a liquid-carrying tank permanently attached and forming an integral part of a motor vehicle or truck trailer. This term also refers to the entire cargo tank motor vehicle or trailer. For the purpose of this subpart, vacuum trucks used exclusively for maintenance or spill response are not considered cargo tanks.

3. **Tank car** means a car designed to carry liquid freight by rail, and including a permanently attached tank.

2.7 Emission Limits, Operating Limits, and Work Practice Standards for Transfer Racks

This section only addresses transfer rack loading and unloading of transport vehicles. Transfer rack loading of containers is addressed in Sections 2.4 and 2.5. The flowcharts presented in this section provide important decision points and help you navigate to the control requirements presented in Subpart EEEE. The determination of which transfer rack is to be controlled and to what extent depends on the following criteria:

- whether the transfer rack is loading or unloading an organic liquid (only transfer racks are controlled),
- the annual throughput of all transfer racks at a facility, and
- whether a facility is new/reconstructed, or an existing facility.

Key Points

- Transfer racks require controls if they meet certain throughput thresholds.
- The HAP weight percentage of the organic liquids is different for new/reconstructed or existing facilities.
- Only transfer racks loading organic liquid are subject to control.

Facilities to which the standards for transfer racks apply have various options for achieving compliance with the emissions limits presented in Table 2. Facilities may:

- reduce emissions of total organic HAP from the loading of organic liquids either by venting the emissions that occur during loading through a closed vent system to any combination of control devices meeting the applicable requirements of 40 CFR 63 Subpart SS (National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process) while achieving 98 weight percent HAP reduction, or,
- reduce emissions of total organic HAP using any combination of control devices to an exhaust concentration less than or equal to 20 ppmv on a dry basis corrected for 3 percent oxygen for combustion control devices using supplemental air, or,
- comply with the work practice standards specified in Item 3 of Table 4.

Item 3 of Table 4 is specific to work practice standards and offers a facility two options:

- The first option (Table 7, Items 3.b.i) is for vapor balancing systems and requires that vapors displaced from the loading of transport vehicles be returned to the storage tank from which the liquid originated, or that vapors be returned to another storage tank connected by a common header.
- The second option allows a facility to comply with the requirements of §63.984 (Fuel gas systems and processes to which storage vessel, transfer rack, or equipment leak regulated material emissions are routed).

Figure 2.7(a) provides a flowchart for existing sources, and Figure 2.7(b) provides a flowchart for new/reconstructed facilities.

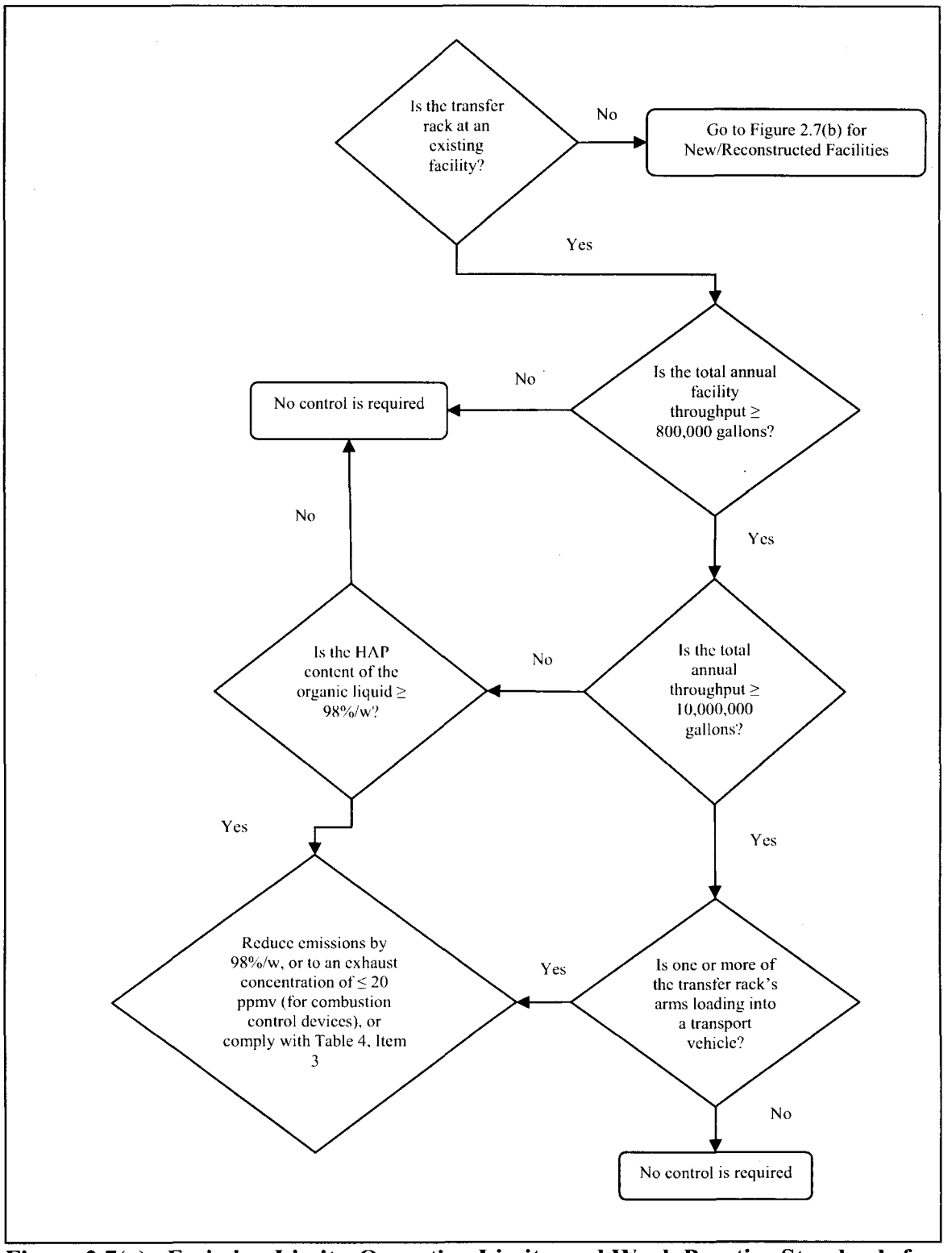


Figure 2.7(a). Emission Limits, Operating Limits, and Work Practice Standards for Transfer Racks at Existing Facilities

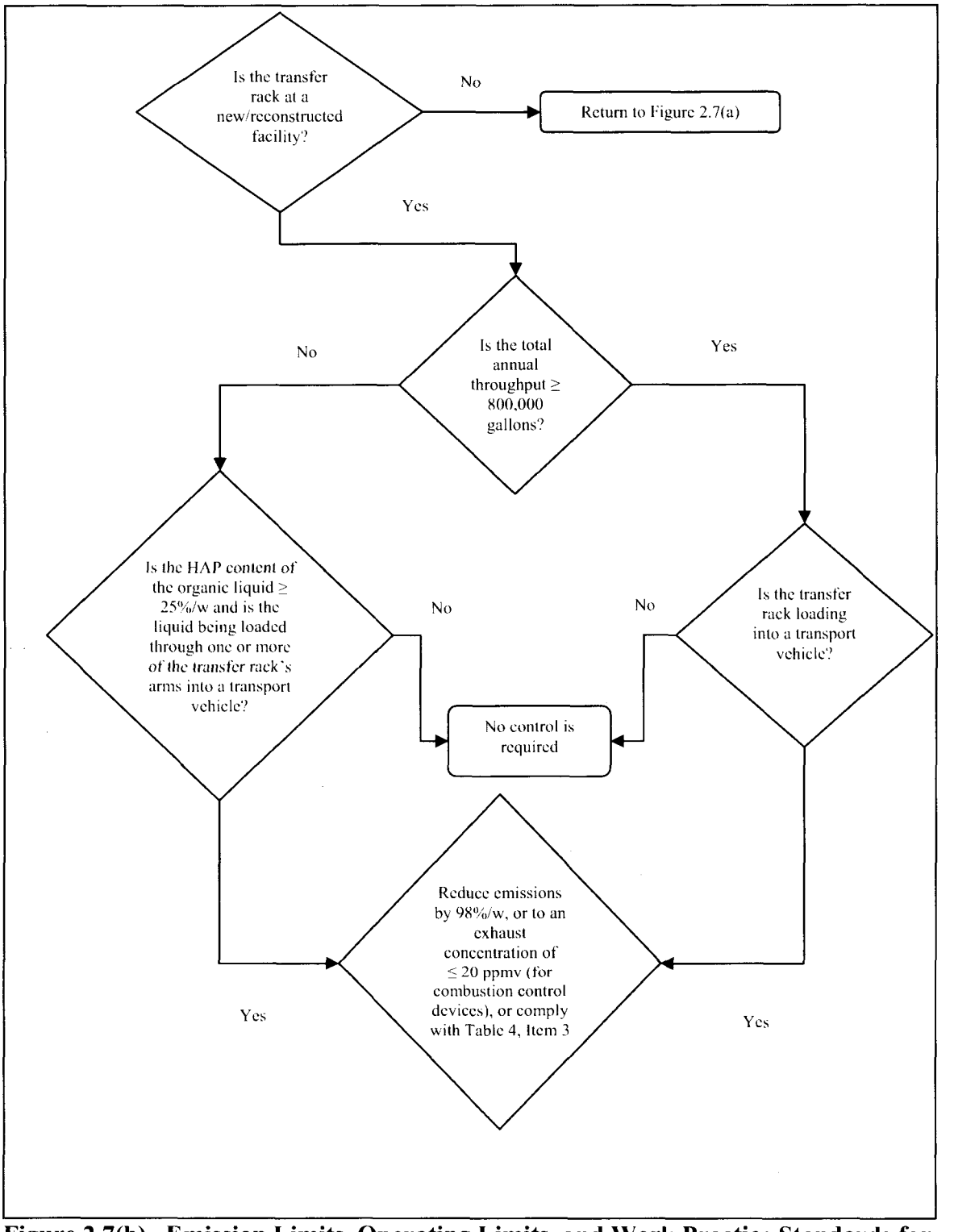


Figure 2.7(b). Emission Limits, Operating Limits, and Work Practice Standards for Transfer Racks at New/Reconstructed Facilities

2.8 Applicability for Equipment Leak Components

The OLD rule applies to three specific types of equipment leak components: valves (except relief valves and check valves), pumps, and sampling connection systems. To be subject to OLD, the component must be in OLD service and must be associated with one of the following:

Key Points

- Equipment leak components are limited to pumps, valves, and sampling connection systems.
- Equipment must be in OLD service.
- Equipment must be associated with storage tanks, transfer racks or pipelines.

- storage tanks storing organic liquids,
- transfer racks loading or unloading organic liquids,
- pipelines that transfer organic liquids directly between two storage tanks that are subject to the OLD NESHAP,
- pipelines that transfer organic liquids directly between a storage tank and a transfer rack subject to the OLD NESHAP, or
- pipelines that transfer organic liquids directly between two transfer racks subject to the OLD NESHAP.

Similar to storage tanks, containers, and transfer racks, the OLD NESHAP does not apply to certain equipment leak components as follows:

- equipment leak components that are part of an affected source under another 40 CFR Part 63 NESHAP,
- equipment leak components when used in special situation distribution loading and unloading operations, and
- equipment leak components when used to conduct maintenance activities, such as stormwater management, liquid removal from tanks for inspections and maintenance, or changeovers to a different liquid stored in a storage tank.

Otherwise, equipment leak components not specifically excluded may be subject to control by the OLD NESHAP and detailed information as well as a flowchart is provided in Section 2.10.

Figure 2.8 helps you determine the applicability for equipment leak components.

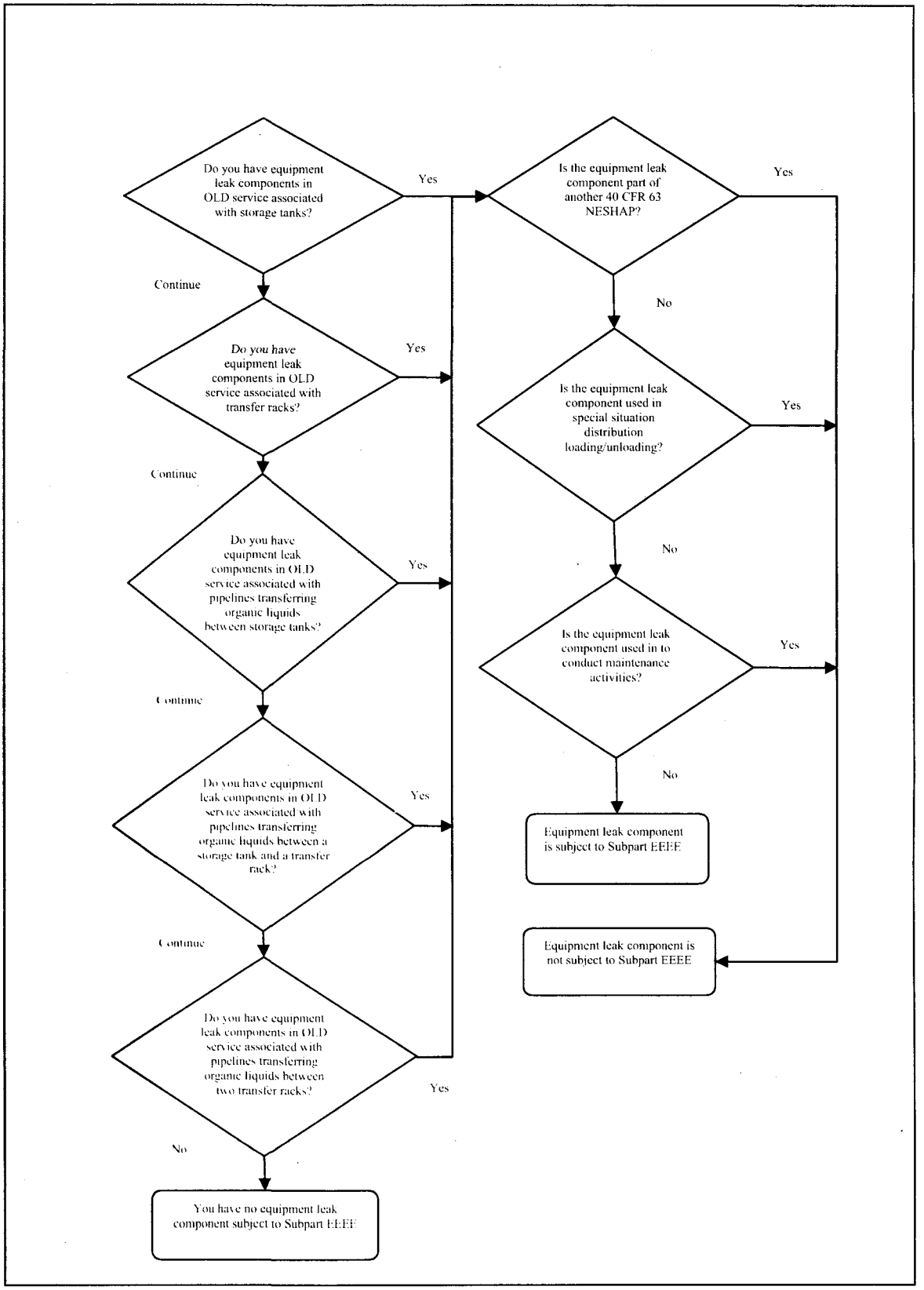


Figure 2.8 Are my Equipment Leak Components Part of the Affected Source?

Key Terms

1. **Equipment leak component** means each pump, valve, and sampling connection systems used in organic liquids service at an OLD operation. Valve types include control, globe, gate, plug, and ball. Relief and check valves are excluded.

2. **In organic liquids service** means that an equipment leak component contains or contacts organic liquids having 5 percent by weight or greater of the organic HAP listed in Table 1 to Subpart EEEE.

2.9 Leak Detection and Repair Requirements for Equipment Leaks

Equipment leak components subject to OLD are required to be controlled through leak detection and repair programs (LDAR). The OLD NESHAP incorporates these by reference. The requirements only apply if your affected source has at least one storage tank or one transfer rack that meets the applicability criteria for control in Table 2 of the OLD NESHAP. Additionally, the requirements only apply to pumps, valves, and sampling connection systems that operate in OLD service for at least 300 hours per year. If you meet the criteria mentioned above, you must comply with the applicable requirements under:

Key Points

- For LDAR to apply, equipment must be in OLD service for at least 300 hr/yr.
- If one storage tank or transfer rack is subject to control, all equipment leak components are subject to LDAR.
- The owner/operator may elect which of 3 subparts to comply with.

- 40 CFR 63, Subpart TT – NESHAP for Equipment Leaks, Control Level 1,
- 40 CFR 63, Subpart UU – NESHAP for Equipment Leaks, Control Level 2, or
- 40 CFR 63, Subpart H – NESHAP for Organic HAP for Equipment Leaks.

Of importance is that the owner/operator can choose the subpart (from the list above) under which LDAR will be conducted. In addition, pumps, valves, and sampling connection systems that are insulated to provide protection against persistent subfreezing temperatures are subject to the difficult to monitor provisions in the applicable subpart selected by the facility.

The OLD NESHAP also has provisions in §63.2396(c) for equipment leak components that are subject to other rules. If your equipment leak components are subject to a 40 CFR 60 Subpart, and the equipment is in OLD operation and in organic liquids service, then you must comply with the provisions of both rules. If you have pumps, valves, and sampling connection systems subject to 40 CFR 63 Subpart GGG (NESHAP for Pharmaceutical Production), and the equipment is in OLD operation and service, you can elect to comply with the OLD NESHAP provisions.

Finally, there are provisions within Subpart EEEE for dealing with overlapping regulations for monitoring, recordkeeping, and reporting requirements. This provision pertains to equipment components associated with a transfer rack subject to the OLD NESHAP that only unloads organic liquids directly to or via pipeline to a non-tank process unit component or to a storage tank subject to another 40 CFR 63 subpart. In this case, if you are applying the applicable recordkeeping and reporting requirement of the different subpart, you must also be in compliance with the recordkeeping and reporting requirements of the OLD NESHAP. If the recordkeeping and reporting satisfies the requirements of this subpart, you may elect to continue to comply with the recordkeeping and reporting requirements of the other subpart. However, you must identify the other subpart being complied with in the Notification of Compliance Status.

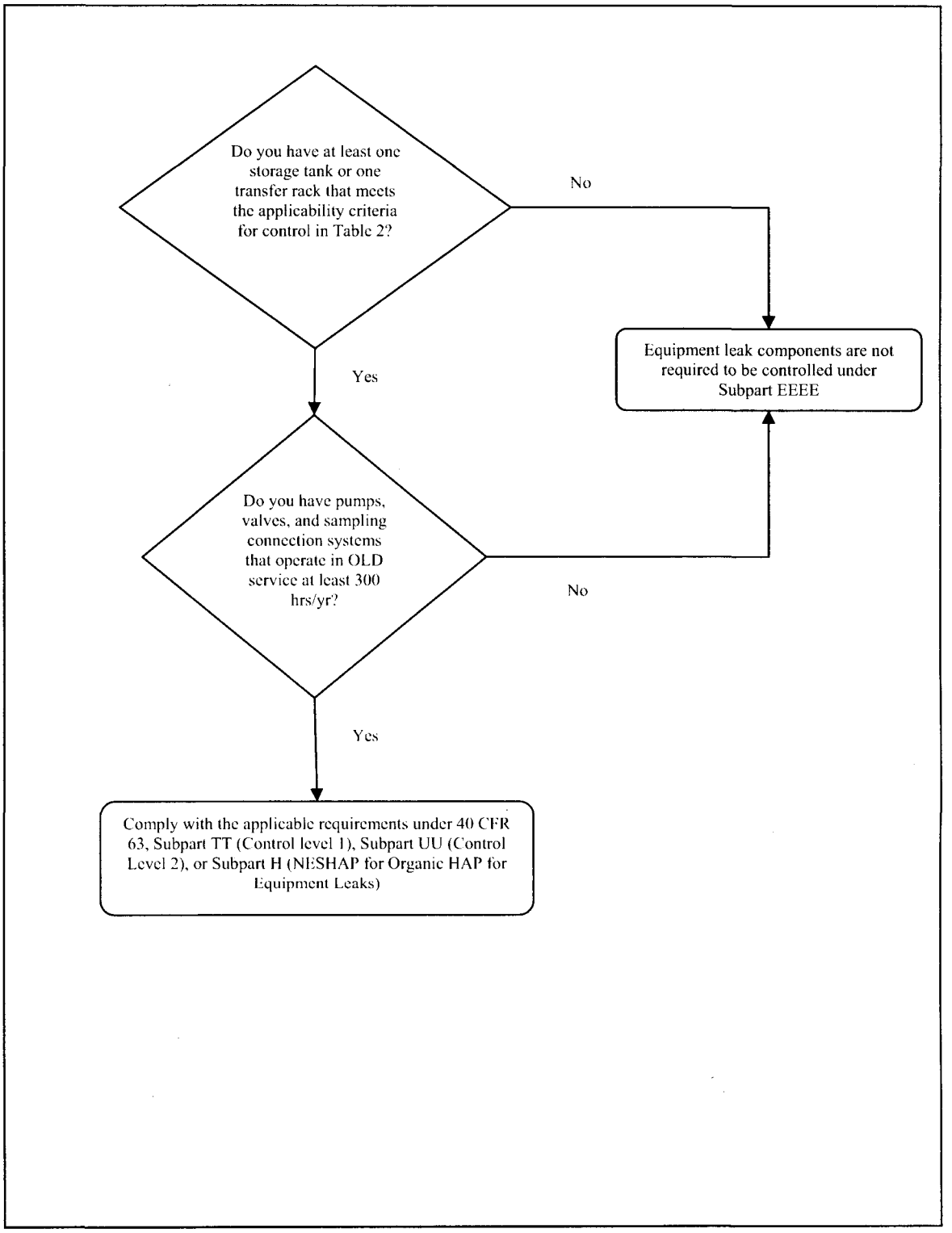


Figure 2.9 Leak Detection and Repair Requirements for Equipment Leaks

2.10 Monitoring of Equipment Components in Gas-Vapor Service and/or Light Liquid Service under Subpart TT, UU, or Subpart H when Using Vapor Balancing

The equipment leak component provisions in the OLD NESHAP only apply to valves, pumps, and sampling connection systems. Nevertheless, if you operate a vapor balancing system for a transfer rack or a storage tank subject to the emission limits presented in Table 2 to Subpart EEEE, you are required to monitor ***each potential source*** of vapor leakage on a quarterly basis.

Key Points

- When using vapor balancing, valves, pumps, and sampling connections are not the only equipment components that need to be monitored.
- Each potential source of vapor leakage must be monitored.
- Pressure relief devices are subject separately through §63.2346 (a)(4)(v).
- The leak definition is 500 ppmv

The leak definition for equipment used for vapor balancing is 500 ppmv. If a leak is detected, it must be repaired in accordance to the provisions of the LDAR NESHAP that was selected for your facility. As was stated in Section 2.9, you can comply with:

- 40 CFR 63 Subpart H, NESHAP for Organic HAP for Equipment Leaks,
- 40 CFR 63 Subpart TT, NESHAP for Equipment Leaks—Control Level 1, or
- 40 CFR 63 Subpart UU, NESHAP for Equipment Leaks—Control Level 2.

The rule also states that if you do not load a transport vehicle or fill a container during a quarter you are not required to monitor the vapor balancing system for leaks.

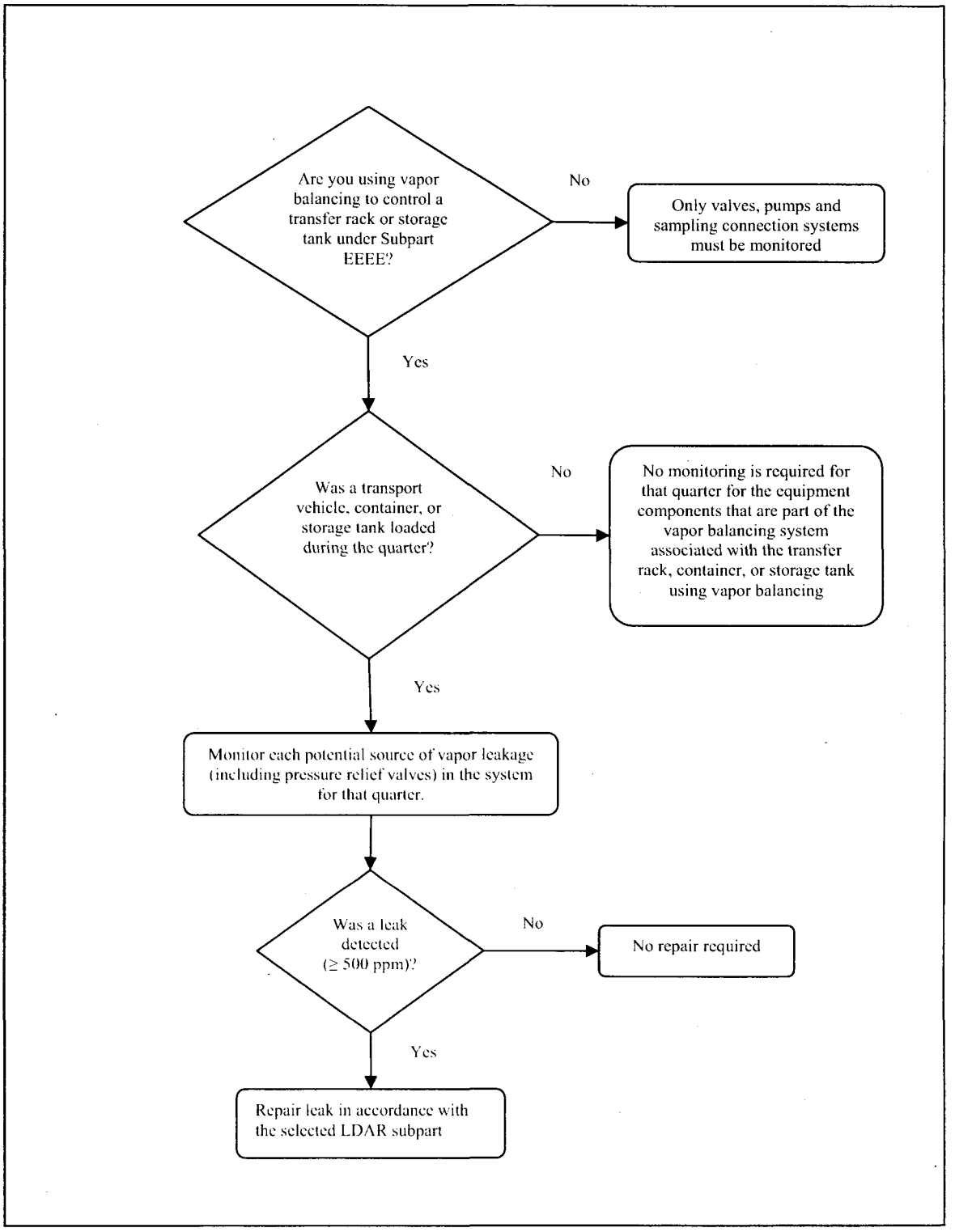


Figure 2.10 Do I have to Comply with the Monitoring Requirements for Additional Equipment Components?

2.11 Requirements for Affected Equipment Not Requiring Control

You may have emission sources subject to Subpart EEEE but for which no control is required. Such sources, however, may still have certain notification, recordkeeping, and reporting requirements. Section 63.2343 identifies all notification, recordkeeping, and reporting requirements.

Notification, recordkeeping, and reporting requirements are required for two sets of equipment:

- storage tanks with capacities ≥ 5,000 gallons that are not subject to control under Subpart EEEE, and
- transfer racks that load organic liquids that are not subject to control under Subpart EEEE.

Any equipment that does not require control and that does not fall within one of the two categories listed above has no additional notification, recordkeeping or reporting requirements. A brief summary of the notification, reporting, and recordkeeping requirements for the equipment listed above is provided below. It is important to note that you are required to submit information in either the Notification of Compliance Status or your first and subsequent compliance reports. The order in which these are submitted is important and will determine what information you will have to report:

Key Points

- If you have a storage tank or transfer rack which requires no control (i.e. below size cut off or only unloads organic liquid), then you must maintain up-to-date documentation verifying these sources are not required to be controlled.
- If you have a storage tank with a capacity ≥ 5,000 gallons that is not subject to control, you are required to maintain records documenting the annual average true vapor pressure of the organic HAP stored in the tank.
- If you have a transfer rack that is not subject to control under Subpart EEEE, you must maintain records detailing the total actual annual facility-level organic liquid loading volume through transfer racks.

- for storage tanks with capacities ≥ 5,000 gallons that are not subject to control under Subpart EEEE, you are required to submit information on the tanks and your facility in the compliance report or in the Notification of Compliance Status, and
- for transfer racks that load organic liquids but are not subject to control under Subpart EEEE, you are required to submit information on your transfer racks and your facility in your compliance report or your Notification of Compliance Status.

In addition, events may occur that would trigger subsequent compliance reports. These events are:

- when a storage tank or transfer rack becomes subject to control under Subpart EEEE,
- when any storage tank ≥ 5,000 gallons becomes part of the affected source but is not subject to control,

- when a transfer rack that loads organic liquids becomes part of the affected source, and
- when reporting requirements of §63.2386 (c)(1)-(3) change.

The notification, recordkeeping, and reporting requirements are presented in Table 2.11.1.

For storage tanks with capacities < 5,000 gallons and transfer racks that only unload organic liquids, you are required to maintain up-to-date documentation that verifies that these equipment are not required to be controlled.

Table 2.11.1 – What are my Requirements for Equipment Not Requiring Control?

If you have:	Then you are required to:
A storage tank subject to Subpart EEEE with a capacity < 5,000 gallons or transfer rack subject to Subpart EEEE that only unloads organic liquids	• Keep documentation that verifies that each storage tank and transfer rack is not required to be controlled • Ensure that all documentation is maintained up-to-date • Ensure that all documentation is in a form suitable and readily available for expeditious inspection and review
A storage tank subject to Subpart EEEE with a capacity ≥ 5,000 gallons that is not subject to control based on the criteria specified in Table 2, items 1-6	**INITIAL COMPLIANCE** • Submit information in §63.2386(c)(1)-(3) and 10(i) in either the Notification of Compliance Status or in your first Compliance Report (whichever comes first) • If you submit your Compliance report before your Notification of Compliance Status: o submit information in §63.2386(d)(3) and (4) in your Notification of Compliance Status if this was submitted after your first Compliance report and changes in §63.2343(d) have occurred o if none of the changes identified in §63.2343(d) have occurred since the filing of the first Compliance report, you do not have to reporting information specified in §63.2386(c)(10)(i) in your Notification of Compliance Status • If you submit your Notification of Compliance Status before your first Compliance report: o submit information specified in §63.2386(d)(3) and (4) in your Compliance Status if any of the changes specified in §63.2343(d) have occurred since the filing of the Notification of Compliance Status • If you already submitted a Notification of Compliance Status or a first Compliance Report under §63.2386(c): o you do not need to submit a separate Notification of Compliance Status or first Compliance report for each storage tank **SUBSEQUENT COMPLIANCE REPORT** • Submit a subsequent Compliance report according to the schedule in §63.2386(b) whenever any of the events presented in §63.2343(d) occur o The subsequent compliance report must contain the information in §63.2386(c)(1)-(3) and, as applicable, §63.2386(d)(3)-(4) • You do not need to submit a separate subsequent compliance report for each storage tank **AT ALL TIMES** • Keep an up-to-date, readily available record of the annual average true vapor pressure of the total Table 1 organic HAP in the stored organic liquid to verify that that the storage tank is not required to be controlled under Subpart EEEE

Table 2.11.1 – concluded

If you have:	Then you are required to:
A transfer rack that loads organic liquids but is not subject to control based on the criteria specified in Table 2, items 7-10	**INITIAL COMPLIANCE** • Submit information in §63.2386(c)(1)-(3) and 10(i) in either the Notification of Compliance Status or in your first Compliance Report (whichever comes first) • If you submit your Compliance report before your Notification of Compliance Status: o submit information in §63.2386(d)(3) and (4) in your Notification of Compliance Status if this was submitted after your first Compliance report and changes in §63.2343(d) have occurred o if none of the changes identified in §63.2343(d) have occurred since the filing of the first Compliance report, you do not have to report information specified in §63.2386(c)(10)(i) in your Notification of Compliance Status • If you submit your Notification of Compliance Status before your first Compliance report: o submit information specified in §63.2386(d)(3) and (4) in your Compliance Status if any of the changes specified in §63.2343(d) have occurred since the filing of the Notification of Compliance Status • If you already submitted a Notification of Compliance Status or a first Compliance Report under §63.2386(c): o you do not need to submit a separate Notification of Compliance Status or first Compliance report for each transfer rack **SUBSEQUENT COMPLIANCE REPORT** • Submit a subsequent Compliance report according to the schedule in §63.2386(b) whenever any of the events presented in §63.2343(d) occur o The subsequent compliance report must contain the information in §63.2386(c)(1)-(3) and, as applicable, §63.2386(d)(3)-(4) • You do not need to submit a separate subsequent compliance report for each transfer rack **AT ALL TIMES** • Keep up-to-date, readily available records specified in §63.2390(d) that verify the transfer rack is not required to be controlled under Subpart EEEE

2.12 Compliance Timeline

This section presents two timelines: compliance dates for emission limits, operating limits, work practice standards, and compliance dates for notification, recordkeeping, and reporting.

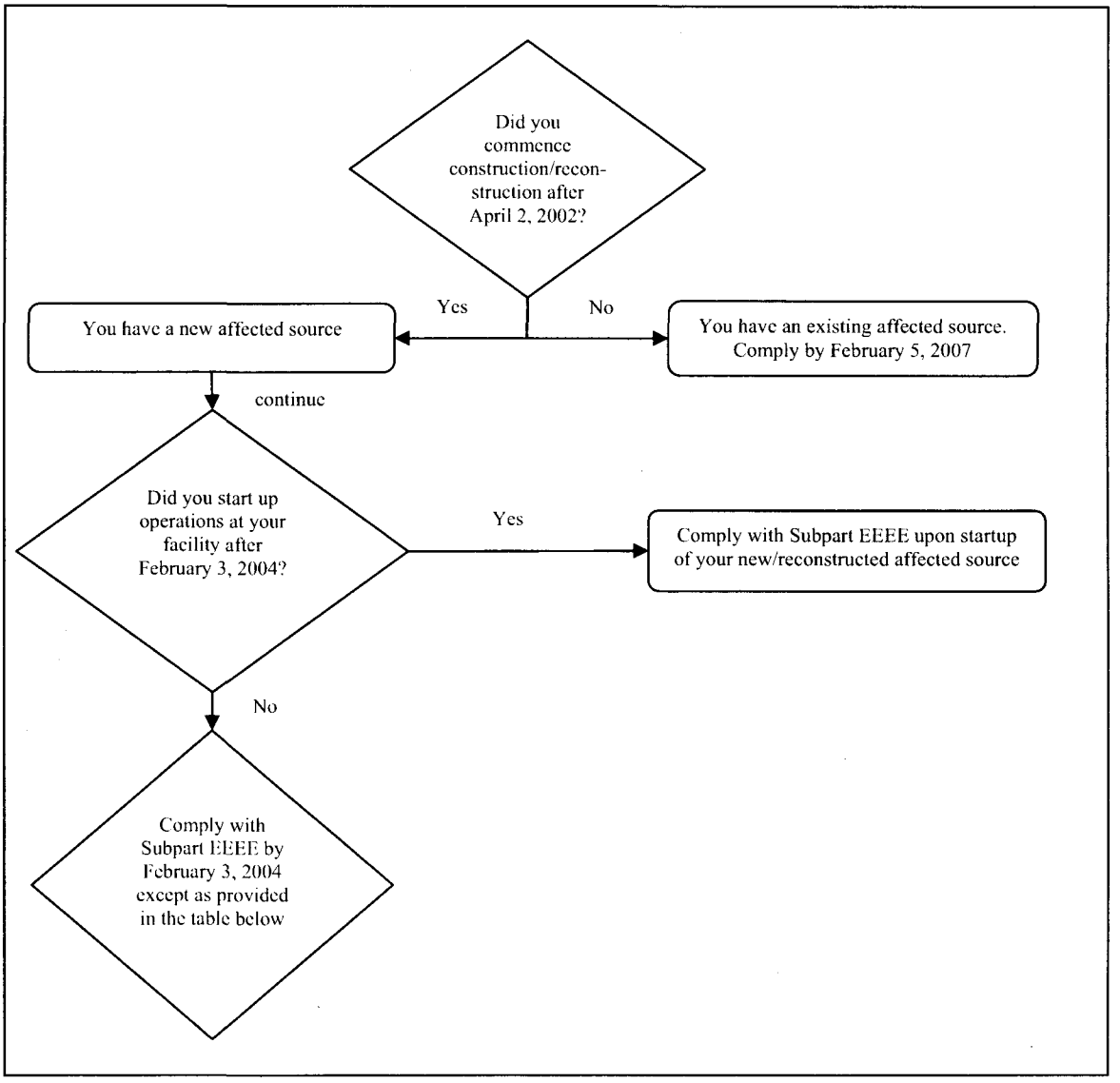
Key Points

- You can only submit one request for a compliance extension.
- You are required to submit applicable reports from 40 CFR 63 Subparts A, H, SS, TT, UU, WW.

The compliance timeline for emissions limits, operating limits, and work practice standards varies depending on whether you have a new/reconstructed, or existing affected source. The flowcharts in Figures 2.12(a) and 2.12(b) provide information on the various dates and conditions for new/reconstructed and existing facilities.

There are also requirements and timelines for the submission of compliance reports and notifications of compliance status. These requirements exist for both equipment not requiring control (refer to Section 2.11), and controlled equipment. Depending on the order in which the reports are submitted, there are also requirements for the information that must be submitted in the reports. Subpart SS is incorporated into Subpart EEEE by reference. Subpart EEEE requires that you submit all applicable reports and notifications from Subpart SS. Table 2.12 provides you with the notification and reporting requirements, their due dates, and a crosswalk to the applicable Subpart SS requirements.

If you currently operate an area source, and you increase your emissions or potential to emit to the point that you become a major source of HAP emissions and an existing affected source subject to Subpart EEEE, you have 3 years to come into compliance with this subpart once you trigger the major source threshold.



Condition	Compliance Date
A facility that would not have been required to be controlled based on the applicability criteria as proposed for Subpart EEEE	Comply on startup or by February 5, 2007 (whichever is later)
A facility that would have been subject to a less stringent degree of control requirement as proposed for Subpart EEEE	Comply on startup or by February 5, 2007 (whichever is later)
A facility that commences construction or reconstruction after February 3, 2004	Comply on startup
A facility whose total actual annual facility-level organic liquid loading volume exceeds 800,000 gallons	Comply with transfer rack requirements specified in §63.2346(b) immediately

Figure 2.12(a). What is my Compliance Timeline for New/Reconstructed Sources?

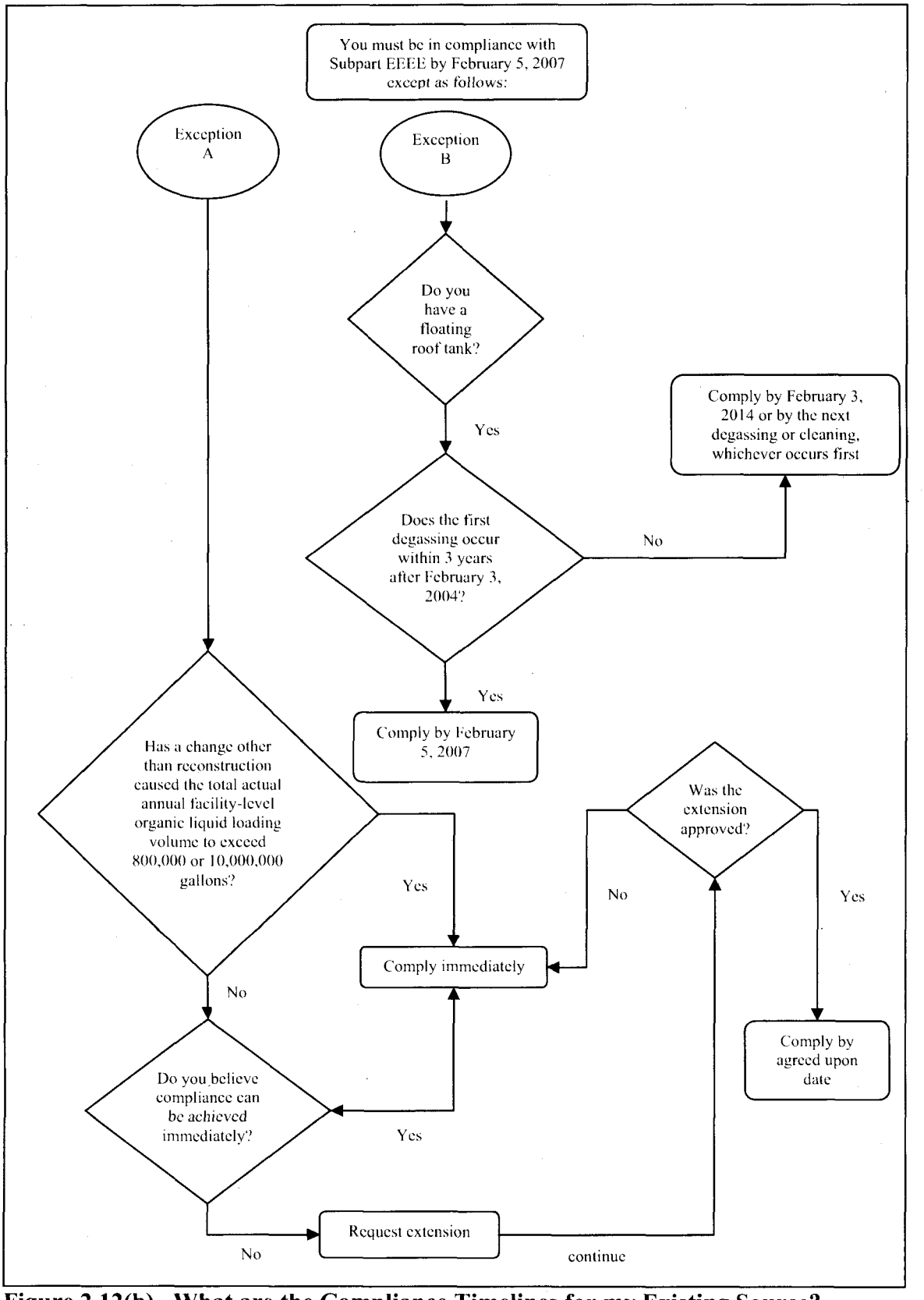


Figure 2.12(b). What are the Compliance Timelines for my Existing Source?

Table 2.12.1 – List of Reports and Notifications Required by Subpart EEEE

Report/Notification	Due Date	Rule Crosswalk from 40 CFR 63 Subpart EEEE to Subpart A	Rule Crosswalk from 40 CFR 63 Subpart EEEE to Subpart H	Rule Crosswalk from 40 CFR 63 Subpart EEEE to Subpart SS	Rule Crosswalk from 40 CFR 63 Subpart EEEE to Subpart TT	Rule Crosswalk from 40 CFR 63 Subpart EEEE to Subpart UU	Rule Crosswalk from 40 CFR 63 Subpart EEEE to Subpart WW
§63.2382 – Notifications							
Initial Notification	Existing Source: 120 days after February 3, 2004 New/Reconstructed Source: 120 days after initial startup	§63.10(d) General Reporting Requirements	§63.182(a)(1) and §63.182(b)	None	None	§63.1039(a) – Initial Compliance Status Report	§63.1066(a) – Notification of Initial Startup
Notification of Intent for a Performance Test	60 calendar days before scheduled begin date	§63.10(d)(2) Reporting Results of Performance Tests	None	None	None	None	None
Notification of Compliance Status	All initial Notification of Compliance Status, including all performance test data, are to be submitted at the same time, either within 240 days after the compliance date or within 60 days after the last performance test demonstrating compliance has been completed, whichever occurs first	None	§63.182(c) Notice of Compliance Status	§63.999(b) Notification of Compliance Status §63.999(b)(1) – Routing storage vessel or transfer rack emissions to a process or fuel gas system §63.999(b)(2) – Routing storage vessel or low throughput transfer rack emissions to a nonflare control device §63.999(b)(3) – Operating range for monitored parameters §63.999(b)(4) – Halogen reduction device §63.999(b)(5) – Alternative	None	None	None

Table 2.12.1 – List of Reports and Notifications Required by Subpart EEEE

Report/Notification	Due Date	Rule Crosswalk from 40 CFR 63 Subpart EEEE to Subpart A	Rule Crosswalk from 40 CFR 63 Subpart EEEE to Subpart H	Rule Crosswalk from 40 CFR 63 Subpart EEEE to Subpart SS	Rule Crosswalk from 40 CFR 63 Subpart EEEE to Subpart TT	Rule Crosswalk from 40 CFR 63 Subpart EEEE to Subpart UU	Rule Crosswalk from 40 CFR 63 Subpart EEEE to Subpart WW
				recordkeeping			
§63.2386 – Reports							
Compliance Report or Periodic Report (subsequent compliance report)	Semiannually, and it must be postmarked by January 31 or July 31, in accordance with §63.2386(b)	None	§63.182(d) – Periodic Reports	§63.999(c) – Periodic Reports	§63.1018 – Periodic Reports	None	§63.1066(b) – Periodic Reports
Immediate SSM Report	7 working days after the end of the event	§63.10(d)(5)(i) – Immediate startup, shutdown, and malfunction reports	None	None	None	None	None

Key Terms

1. **New affected source** means the collection of equipment, activities, or both within a single contiguous area and under common control that is included in a section 112(c) source category or subcategory that is subject to a section 112(d) or other relevant standard for new sources. This definition of "new affected source," and the criteria to be utilized in implementing it, shall apply to each section 112(d) standard for which the initial proposed rule is signed by the Administrator after June 30, 2002. Each relevant standard will define the term "new affected source," which will be the same as the "affected source" unless a different collection is warranted based on consideration of factors including:

(1) Emission reduction impacts of controlling individual sources versus groups of sources;
(2) Cost effectiveness of controlling individual equipment;
(3) Flexibility to accommodate common control strategies;
(4) Cost/benefits of emissions averaging;
(5) Incentives for pollution prevention;
(6) Feasibility and cost of controlling processes that share common equipment (e.g., product recovery devices);
(7) Feasibility and cost of monitoring; and
(8) Other relevant factors.

2. **New source** means any affected source the construction or reconstruction of which is commenced after the Administrator first proposes a relevant emission standard under this part establishing an emission standard applicable to such source.

3. **Existing source** means any affected source that is not a new source.

2.13 Monitoring and Demonstrating Continuous Compliance

Subpart EEEE has continuous compliance requirements for storage tanks, transfer racks, and equipment leaks. The continuous compliance requirements are addressed in the rule in §63.2366, §63.2374, and §63.2378. The continuous compliance requirements are presented in Tables 8, 9, and 10 of Subpart EEEE. Table 8 provides continuous compliance requirements for emission limits. Table 9 provides continuous compliance requirements for operating limits, and Table 10 provides continuous compliance requirements for work practices.

Key Points

- High throughput transfer racks have their own set of continuous compliance requirements with operating limits.
- With exceptions, you must demonstrate continuous compliance even during periods of startup, shutdown, and malfunction.

Storage tanks have continuous compliance requirements for emission limits and work practices. Transfer racks have continuous compliance requirements for emission limits, operating limits (in the case of high throughput transfer racks), and work practices. Finally, equipment leaks have continuous compliance requirements for work practices only.

Tables 8-10 reference three other 40 CFR 63 subparts. 40 CFR §63.1 - §63.16 are part of Subpart A, which are the General Provisions. Table 9 specifically references §63.11. This section provides requirements for control devices. 40 CFR §63.980 - §63.999 are part of Subpart SS – the NESHAP for closed vent systems, control devices, recovery devices, and routing to a fuel gas system or a process. 40 CFR §63.1060 - §63.1067 are part of Subpart WW – the NESHAP for storage vessels (tanks), control level 2. You will be required to access the individual subparts to obtain all continuous compliance requirements. An easy and efficient method for accessing these standards is by using the following URL: http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?sid=0385153laa37e8ffeab59ba97f16d5ee&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl. This will provide access to all 40 CFR 63 subparts in electronic format.

The continuous compliance requirements for storage tanks, transfer racks, and equipment leaks have been summarized in Tables 2.13.1 - 2.13.3. For example, all continuous compliance requirements for storage tanks from Tables 8 and 10 of Subpart EEEE are presented in Table 2.13.1. Therefore, the attached tables provide an easy mechanism for retrieving the continuous compliance requirements for each equipment type. In addition, Tables 8-10 of Subpart EEEE have been attached in the appendices for easy reference.

Table 2.13.1 Continuous Compliance Requirements for Storage Tanks

For each	For the following	You Must Demonstrate Continuous Compliance by:
Emission Limit (from Table 8)		
1. Storage tank at an existing, reconstructed, or new affected source meeting any set of tank capacity and liquid organic HAP vapor pressure criteria specified in Table 2 to this subpart, items 1 through 6.	Reduce total organic HAP (or, upon approval, TOC) emissions from the closed vent system and control device by 95 weight-percent or greater, or as an option to 20 ppmv or less of total organic HAP (or, upon approval, TOC) in the exhaust of combustion devices.	i. Performing CMS monitoring and collecting data according to §63.2366, §63.2374, and §63.2378; AND ii. Maintaining the operating limits established during the design evaluation or performance test that demonstrated compliance with the emission limit.
Work Practice Standard (from Table 10)		
1. Internal floating roof (IFR) storage tank at an existing, reconstructed, or new affected source meeting any set of tank capacity, and vapor pressure criteria specified in Table 2 to this subpart, items 1 through 5.	Install a floating roof designed and operated according to the applicable specifications in §63.1063(a) and (b).	i. Visually inspecting the floating roof deck, deck fittings, and rim seals of each IFR once per year (§63.1063(d)(2)); AND ii. Visually inspecting the floating roof deck, deck fittings, and rim seals of each IFR either each time the storage tank is completely emptied and degassed or every 10 years, whichever occurs first (§63.1063(c)(1), (d)(1), and (e)); AND iii. Keeping the tank records required in §63.1065.
2. External floating roof (EFR) storage tank at an existing, reconstructed, or new affected source meeting any set of tank capacity and vapor pressure criteria specified in Table 2 to this subpart, items 1 through 5.	Install a floating roof designed and operated according to the applicable specifications in §63.1063(a) and (b).	i. Visually inspecting the floating roof deck, deck fittings, and rim seals of each EFR either each time the storage tank is completely emptied and degassed or every 10 years, whichever occurs first (§63.1063(c)(2), (d), and (e)); AND ii. Performing seal gap measurements on the secondary seal of each EFR at least once every year, and on the primary seal of each EFR at least every 5 years (§63.1063(c)(2), (d), and (e)); AND iii. Keeping the tank records required in §63.1065.
3. IFR or EFR tank at an existing, reconstructed, or new affected source meeting any set of tank capacity, and vapor pressure criteria specified in Table 2 to this subpart, items 1 through 5.	Repair the conditions causing storage tank inspection failures (§63.1063(e)).	i. Repairing conditions causing inspection failures: before refilling the storage tank with organic liquid, or within 45 days (or up to 105 days with extensions) for a tank containing organic liquid; AND ii. Keeping the tank records required in §63.1065(b).

Table 2.13.1 – concluded

For each	For the following	You Must Demonstrate Continuous Compliance by:
4. Storage tank at an existing, reconstructed, or new affected source meeting any of the tank capacity and vapor pressure criteria specified in Table 2 to this subpart, items 1 through 6.	a. Route emissions to a fuel gas system or back to the process.	i. Continuing to meet the requirements specified in §63.984(b).
	b. Install and, during the filling of the storage tank with organic liquids, operate a vapor balancing system.	i. Except for pressure relief devices, monitoring each potential source of vapor leakage in the system, including but not limited to pumps, valves, and sampling connection systems, quarterly during the loading of a storage tank using the methods and procedures described in the rule requirements selected for the work practice standard for equipment leak components as specified in Table 4 to this subpart, item 4. An instrument reading of 500 ppmv defines a leak. Repair of leaks is performed according to the repair requirements specified in your selected equipment leak standards. For pressure relief devices, comply with §63.2346(a)(4)(v). If no loading occurs during a quarter, then monitoring of the vapor balancing system is not required.

Table 2.13.2 Continuous Compliance Requirements for Transfer Racks

For each	For the following	You Must Demonstrate Continuous Compliance by:
Emission Limit (from Table 8)		
1. Transfer rack that is subject to control based on the criteria specified in Table 2 to this subpart, items 7 through 10, at an existing, reconstructed, or new affected source.	Reduce total organic HAP (or, upon approval, TOC) emissions during the loading of organic liquids from the closed vent system and control device by 98 weight-percent or greater, or as an option to 20 ppmv or less of total organic HAP (or, upon approval, TOC) in the exhaust of combustion devices.	i. Performing CMS monitoring and collecting data according to §§63.2366, 63.2374, and 63.2378 during the loading of organic liquids; AND ii. Maintaining the operating limits established during the design evaluation or performance test that demonstrated compliance with the emission limit during the loading of organic liquids.
Work Practice Standard (from Table 10)		
1. Transfer rack that is subject to control based on the criteria specified in Table 2 to this subpart, items 7 through 10, at an existing, reconstructed, or new affected source.	a. Ensure that organic liquids are loaded into transport vehicles in accordance with the requirements in Table 4 to this subpart, items 5 or 6, as applicable.	i. Ensuring that organic liquids are loaded into transport vehicles in accordance with the requirements in Table 4 to this subpart, items 5 or 6, as applicable.
	b. Install and, during the loading of organic liquids, operate a vapor balancing system.	i. Except for pressure relief devices, monitoring each potential source of vapor leakage in the system, including but not limited to pumps, valves, and sampling connection systems, quarterly during the loading of a transport vehicle or the filling of a container using the methods and procedures described in the rule requirements selected for the work practice standard for equipment leak components as specified in Table 4 to this subpart, item 4. An instrument reading of 500 ppmv defines a leak. Repair of leaks is performed according to the repair requirements specified in your selected equipment leak standards. For pressure relief devices, comply with § 63.2346(a)(4)(v). If no loading or a transport vehicle or filling of a container occurs during a quarter, then monitoring of the vapor balancing system is not required.
	c. Route emissions to a fuel gas system or back to a process.	i. Continuing to meet the requirements specified in §63.984(b).

Table 2.13.2 – continued

For each	For the following	You Must Demonstrate Continuous Compliance by:
Operating Limits for High Throughput Transfer Racks (from Table 9)		
1. A thermal oxidizer to comply with an emission limit in Table 2 to this subpart.	a. Maintain the daily average fire box or combustion zone, as applicable, temperature greater than or equal to the reference temperature established during the design evaluation or performance test that demonstrated compliance with the emission limit.	i. continuously monitoring and recording fire box or combustion zone, as applicable, temperature every 15 minutes and maintaining the daily average fire box temperature greater than or equal to the reference temperature established during the design evaluation or performance test that demonstrated compliance with the emission limit; AND ii. keeping the applicable records required in §63.998.
2. A catalytic oxidizer to comply with an emission limit in Table 2 to this subpart.	a. Replace the existing catalyst bed before the age of the bed exceeds the maximum allowable age established during the design evaluation or performance test that demonstrated compliance with the emission limit; AND	i. Replacing the existing catalyst bed before the age of the bed exceeds the maximum allowable age established during the design evaluation or performance test that demonstrated compliance with the emission limit; AND ii. Keeping the applicable records required in §63.998.
	b. Maintain the daily average temperature at the inlet of the catalyst bed greater than or equal to the reference temperature established during the design evaluation or performance test that demonstrated compliance with the emission limit; AND	i. Continuously monitoring and recording the temperature at the inlet of the catalyst bed at least every 15 minutes and maintaining the daily average temperature at the inlet of the catalyst bed greater than or equal to the reference temperature established during the design evaluation or performance test that demonstrated compliance with the emission limit; AND ii. Keeping the applicable records required in §63.998.
	c. Maintain the daily average temperature difference across the catalyst bed greater than or equal to the minimum temperature difference established during the design evaluation or performance test that demonstrated compliance with the emission limit.	i. Continuously monitoring and recording the temperature at the outlet of the catalyst bed every 15 minutes and maintaining the daily average temperature difference across the catalyst bed greater than or equal to the minimum temperature difference established during the design evaluation or performance test that demonstrated compliance with the emission limit; AND ii. Keeping the applicable records required in §63.998.

Table 2.13.2 – continued

For each	For the following	You Must Demonstrate Continuous Compliance by:
3. An absorber to comply with an emission limit in Table 2 to this subpart.	a. Maintain the daily average concentration level of organic compounds in the absorber exhaust less than or equal to the reference concentration established during the design evaluation or performance test that demonstrated compliance with the emission limit; OR	i. Continuously monitoring the organic concentration in the absorber exhaust and maintaining the daily average concentration less than or equal to the reference concentration established during the design evaluation or performance test that demonstrated compliance with the emission limit; AND ii. Keeping the applicable records required in §63.998.
	b. Maintain the daily average scrubbing liquid temperature less than or equal to the reference temperature established during the design evaluation or performance test that demonstrated compliance with the emission limit; AND Maintain the difference between the specific gravities of the saturated and fresh scrubbing fluids greater than or equal to the difference established during the design evaluation or performance test that demonstrated compliance with the emission limit.	i. Continuously monitoring the scrubbing liquid temperature and maintaining the daily average temperature less than or equal to the reference temperature established during the design evaluation or performance test that demonstrated compliance with the emission limit; AND ii. Maintaining the difference between the specific gravities greater than or equal to the difference established during the design evaluation or performance test that demonstrated compliance with the emission limit; AND iii. Keeping the applicable records required in §63.998.
4. A condenser to comply with an emission limit in Table 2 to this subpart.	a. Maintain the daily average concentration level of organic compounds at the exit of the condenser less than or equal to the reference concentration established during the design evaluation or performance test that demonstrated compliance with the emission limit; OR	i. Continuously monitoring the organic concentration at the condenser exit and maintaining the daily average concentration less than or equal to the reference concentration established during the design evaluation or performance test that demonstrated compliance with the emission limit; AND ii. Keeping the applicable records required in §63.998.
	b. Maintain the daily average condenser exit temperature less than or equal to the reference temperature established during the design evaluation or performance test that demonstrated compliance with the emission limit.	i. Continuously monitoring and recording the temperature at the exit of the condenser at least every 15 minutes and maintaining the daily average temperature less than or equal to the reference temperature established during the design evaluation or performance test that demonstrated compliance with the emission limit; AND ii. Keeping the applicable records required in §63.998.

Table 2.13.2 – continued

For each	For the following	You Must Demonstrate Continuous Compliance by:
5. An adsorption system with adsorbent regeneration to comply with an emission limit in Table 2 to this subpart.	a. Maintain the daily average concentration level of organic compounds in the adsorber exhaust less than or equal to the reference concentration established during the design evaluation or performance test that demonstrated compliance with the emission limit; OR	i. Continuously monitoring the daily average organic concentration in the adsorber exhaust and maintaining the concentration less than or equal to the reference concentration established during the design evaluation or performance test that demonstrated compliance with the emission limit; AND ii. Keeping the applicable records required in §63.998.
	b. Maintain the total regeneration stream mass flow during the adsorption bed regeneration cycle greater than or equal to the reference stream mass flow established during the design evaluation or performance test that demonstrated compliance with the emission limit; AND Before the adsorption cycle commences, achieve and maintain the temperature of the adsorption bed after regeneration less than or equal to the reference temperature established during the design evaluation or performance test; AND Achieve greater than or equal to the pressure reduction during the adsorption bed regeneration cycle established during the design evaluation or performance test that demonstrated compliance with the emission limit.	i. Maintaining the total regeneration stream mass flow during the adsorption bed regeneration cycle greater than or equal to the reference stream mass flow established during the design evaluation or performance test that demonstrated compliance with the emission limit; AND ii. Maintaining the temperature of the adsorption bed after regeneration less than or equal to the reference temperature established during the design evaluation or performance test that demonstrated compliance with the emission limit; AND iii. Achieving greater than or equal to the pressure reduction during the regeneration cycle established during the design evaluation or performance test that demonstrated compliance with the emission limit; AND iv. Keeping the applicable records required in §63.998.
6. An adsorption system without adsorbent regeneration to comply with an emission limit in Table 2 to this subpart.	a. Maintain the daily average concentration level of organic compounds in the adsorber exhaust less than or equal to the reference concentration established during the design evaluation or performance test that demonstrated compliance with the emission limit; OR	i. Continuously monitoring the organic concentration in the adsorber exhaust and maintaining the concentration less than or equal to the reference concentration established during the design evaluation or performance test that demonstrated compliance with the emission limit; AND ii. Keeping the applicable records required in §63.998.

Table 2.13.2 – concluded

For each	For the following	You Must Demonstrate Continuous Compliance by:
	b. Replace the existing adsorbent in each segment of the bed before the age of the adsorbent exceeds the maximum allowable age established during the design evaluation or performance test that demonstrated compliance with the emission limit; AND Maintain the temperature of the adsorption bed less than or equal to the reference temperature established during the design evaluation or performance test that demonstrated compliance with the emission limit.	i. Replacing the existing adsorbent in each segment of the bed with an adsorbent that meets the replacement specifications established during the design evaluation or performance test before the age of the adsorbent exceeds the maximum allowable age established during the design evaluation or performance test that demonstrated compliance with the emission limit; AND ii. Maintaining the temperature of the adsorption bed less than or equal to the reference temperature established during the design evaluation or performance test that demonstrated compliance with the emission limit; AND iii. Keeping the applicable records required in §63.998.

Table 2.13.3 – Continuous Compliance Requirements for Equipment Leaks

For each	For the following	You Must Demonstrate Continuous Compliance by:
Work Practice Standards (from Table 10)		
1. Equipment leak component, as defined in §63.2406, that operates in organic liquids service at least 300 hours per year.	a. Comply with the requirements of 40 CFR part 63, subpart TT, UU, or H.	i. Carrying out a leak detection and repair program in accordance with the subpart selected from the list in item 1.a of this table.

Key Terms

1. **High throughput transfer rack** means those transfer racks that transfer into transport vehicles (for existing affected sources) or into transport vehicles and containers (for new affected sources) a total of 11.8 million liters per year or greater of organic liquids.

2. **Low throughput transfer rack** means those transfer racks that transfer into transport vehicles (for existing affected sources) or into transport vehicles and containers (for new affected sources) less than 11.8 million liters per year of organic liquids.

3. **Shutdown** means the cessation of operation of an OLD affected source, or portion thereof (other than as part of normal operation of a batch-type operation), including equipment required or used to comply with this subpart, or the emptying and degassing of a storage tank. Shutdown as defined here includes, but is not limited to, events that result from periodic maintenance, replacement of equipment, or repair.

4. **Startup** means the setting in operation of an OLD affected source, or portion thereof (other than as part of normal operation of a batch-type operation), for any purpose. Startup also includes the placing in operation of any individual piece of equipment required or used to comply with this subpart including, but not limited to, control devices and monitors.

3.0 QUESTIONS AND ANSWERS

The following Questions and Answers are provided for guidance purposes only and are not final determinations of applicability for any particular source, nor are they official regulatory interpretations. The Questions and Answers have been grouped by subject area.

A. Compliance Timeline

Q1: What is the due date of the first compliance report? The rule states at §63.2386(b)(1)(ii) that it is to be postmarked no later than July 31 or January 31, whichever date follows the end of the first calendar half after the compliance date.

A1: The due date of the first compliance report is no later than July 31, 2007.

Q2: Section 63.2386(b)(1) of the OLD rule requires submittal of the first compliance report on July 31 covering the period of February 5, 2007 through June 30, 2007. Section 63.2386(b)(3) allows a source to submit their compliance reports on their Title V schedule. For example, assume the Title V reporting schedule is March 31st and September 30th.

- May the source wait until September 30, 2007 to submit its first OLD MACT compliance report, OR
- Must it submit the first compliance by the July 31 date and then resubmit the second one early on September 30th in order to get on its Title V schedule?

A2: Section 63.2386(b)(3) allows you to use the Title V submittal date in lieu of the OLD submittal date for both the initial and subsequent compliance reports. Therefore, the source may wait until September 30 to submit its initial compliance report.

B. Applicability

Q3: Can a facility calculate an average of all available HAP concentrations data from sample analysis or process knowledge to determine whether non-crude liquid or liquid mixtures contain 5 percent by weight or greater of the organic HAP listed in Table 1 to Subpart EEEE? Can this HAP determination be based on an annual average according to §63.2354(c)?

A3: Yes. The owner/operator of a facility is free to use whichever source of information he/she feels is appropriate to make the HAP determination. However, records documenting the process and sources of data should be kept in case you are audited. If for example, you have average HAP concentration data, you are free to calculate an average HAP concentration value, but you are required to maintain documentation of the data and the process in which you calculated the average HAP concentration data.

Q4: A facility uses toluene as a fuel to produce an inorganic chemical. Does the fact that the toluene is used as fuel mean that it does not meet the definition of organic liquid at §63.2406?

A4: No. The OLD rule applies to the storage and transfer of toluene used as fuel. The exemption for a fuel only applies to a fuel that is a "common" fuels and not to other organic liquids that could be used as fuel because of their heating value. Gasoline was excluded outright from the OLD rule, and kerosene, diesel, asphalt, and the heavier distillates were excluded because their respective vapor pressures were below 0.1 psia. The EPA always intended that pure HAPs, such as toluene, which meet the vapor pressure cutoff, would be subject to the rule.

Q5: What is the applicability of the OLD rule to storage tanks at a tank farm located at Hazardous Organic NESHAP (HON) facility?

A5: The OLD rule would potentially apply to storage tanks located at a tank farm where there is an intervening storage tank that can be assigned to the chemical manufacturing process unit (CMPU) at the HON facility. For purposes of the HON, an intervening storage vessel means a storage vessel connected by hard-piping to the CMPU and to the storage vessel in the tank farm so that product (or raw material) entering or leaving the chemical manufacturing process unit flows into (or from) the intervening storage vessel and does not flow directly into (or from) the storage vessel in the tank farm. Where there is an intervening storage vessel, the boundary of the CMPU would end at that intervening storage vessel (and any associated transfer operations and other equipment) and would exclude the tank farm storage vessel. Therefore, the storage tank at the tank farm would not be part of the HON affected source and therefore should be evaluated for potential applicability under the OLD rule.

Q6: A tank at a tank farm sometimes receives product directly from a chemical manufacturing process unit (CMPU) subject to the Hazardous Organic National Emissions Standard for Hazardous Air Pollutants (HON) and sometime receives product from an intervening tank or directly from another CMPU. How do you determine applicability of either the HON or OLD to that tank?

A6: The preamble to the proposed amendments for the "intervening tank" language in the HON, at 61 FR 43700 (August 26, 2006), clarifies this by specifying three rules for assigning a storage vessel to a CMPU, as follows:

> 1. A storage vessel at a tank farm is considered to be part of the CMPU ONLY if the CMPU does not have an intervening storage vessel.
> 2. If two or more CMPU's use the tank farm tank, and NONE of them have an intervening storage vessel, then you assign the storage tank at the tank farm to the appropriate CMPU per the concepts of predominant use at 63.100(g)(2).

3. If only one CMPU, of the two or more that use the tank farm tank, has no intervening storage tank, then the tank farm tank is assigned to that one CMPU with no intervening storage tank.

The situation presented above is described by #3. In that case, the tank farm tank would be assigned to the CMPU which directly feeds it, and OLD would not apply.

Q7: How do you determine applicability under the gasoline distribution MACT (GD MACT) and/or the OLD rule at an independent terminal? The terminal stores and loads both gasoline and non-gasoline organic liquids as well as other products. Vessels and equipment change service over time depending on customer demand. A storage vessel can change service from organic liquid service to gasoline service.

A7: The facility would have to be in compliance with the GD MACT when storing gasoline and meeting the applicability of the GD MACT, and in compliance with the OLD MACT when storing organic liquids and meeting the applicability of the OLD rule. Neither rule has procedures for determining primary use for flexible use storage tanks.

Q8: A printing facility transfers 5,000 gallons/day of recovered toluene from storage tanks into tank trucks. There is no control at the loading rack so the displaced emissions from the tank trucks are released into the atmosphere. They also receive ink containing toluene solvent that they store and mix in storage tanks with capacities of 10,000 and 12,000 gallons. The loading rack, storage and tank trucks are affiliated with the printing operation but are not part of the affected facility under that rule. Would the loading rack and the tanks be subject to OLD regulations?

A8: Yes. There is no exemption for affiliated operations under the OLD rule for subparts which do not include the affiliated operations as part of the affected source.

Q9: Would sources subject to the MON rule be subject to OLD during the interim period between the compliance date of the OLD rule (February 7, 2007) and the compliance date of the MON rule, which was extended until May 10, 2008?

A9: No. Affected equipment regulated under the MON requirements would not be subject to the OLD rule during the interim between the OLD and MON rule compliance dates. Storage tanks, transfer racks, transport vehicles, containers, and equipment leak components that are part of a MON affected source would not be subject to OLD, per §63.2338(c)(1). The fact that the compliance date of the MON is after the compliance date of OLD does not alter this.

C. Initial Compliance Demonstration

Q10: Can a facility conduct a design evaluation for a nonflare control device per §63.985(b)(1)(i) to satisfy initial compliance with the emission limit requirements of Subpart EEEE for a high throughput transfer rack?

A10: No. Per §63.2354(b)(1), a performance test is required and the design evaluation requirements of §63.985 are not referenced, therefore they are not allowed. The applicable sections to non-flare control devices are §63.7(e), §63.988(b), §63.990(b), or §63.995(b). These sections provide the requirements for conducting performance tests, and the specific procedures for conducting these are provided in §63.997(e).

Q11: Can a facility request a compliance extension for circumstances other than those described in §63.2342(b)(3)(ii)?

A11: Yes. The Administrator may also grant extension of compliance under 40 CFR Subpart A for existing sources who need additional time for the installation of controls. Section 63.6(i) provides the requirements for requesting compliance extensions.

D. Continuous Compliance

Q12: How do you demonstrate continuous compliance for a facility that fills transport vehicles or containers from a storage tank using a vapor balancing system?

A12: For vapor balancing systems, there are two places in subpart EEEE that identify compliance requirements – Table 10 and §63.2346(a)(4). Item 6.b.i in Table 10 provides the specific continuous compliance requirement for a storage tank using a vapor balancing system and references Table 4, item 4 for the quarterly monitoring of "each potential source of vapor leakage in the system". Paragraph (a)(4)(v) of §63.2346 separately identifies leak detection and repair (LDAR) requirements for pressure relief devices used in vapor balancing systems.

The phrase "each potential source of vapor leakage" is intended to apply to any and all equipment in the vapor balancing system that may leak, *including but not limited to* equipment as defined by subpart EEEE, *but not pressure relief devices*. For all such equipment, the owner or operator must apply the applicable provisions found in the equipment leak standard, selected by the owner or operator, to comply with the equipment leak components. If the vapor balancing system has a pressure relief valve, however, the owner or operator would comply separately with the LDAR provisions for pressure relief valves found in §63.2346(a)(4)(v).

Q13: What are the requirements concerning Notification of Compliance Status and Subsequent Compliance reports for storage tanks not subject to control based on the criteria specified in Subpart EEEE?

A13: The specific requirements for storage tanks not requiring control are presented in §63.2343(a) and (b) ("What are my requirements for emission sources not requiring control?"). Storage tanks that never require control based on size are subject only to maintaining readily accessible, up to date documentation of such and have no further recordkeeping, notification or reporting requirements. For storage tanks which do not require control based on vapor pressure cutoffs, §63.2343(b)(1)(i) requires you to submit the certain information in §63.2386:

(c)(1) – company name and address,
(c)(2) – statement by a responsible official, including the official's name, title, and signature, certifying that, based on information and belief formed after reasonable inquiry, the statements and information in the report are true, accurate, and complete,
(c)(3) – date of report and beginning and ending dates of the reporting period, and
(10)(i) – a listing of tanks greater than or equal to 18.9 m3 (5,0000 gallons) that are part of the affected source but are not subject to any of the emission limitations, operating limits, or work practice standards of this subpart.

This information must be submitted in either the Notification of Compliance Status or in the first Compliance report, whichever comes first. Further information on special conditions regarding the submission of the Notification of Compliance Status and Compliance reports, including subsequent compliance reports, is presented in §63.2343(b)(1) through (2).

Q14: What is required for control devices controlling emissions from storage tanks or low throughput transfer racks, if the owner or operator elects pursuant to §63.2346(e) to comply with the operating limits in Table 3 for high throughput transfer racks?

A14: You can comply with the appropriate operating limit in Table 3 or, if a type of control device other than one listed under Table 3 is utilized, then a monitoring plan is required per Item 8 in Table 3.

E. Storage Tanks

Q15: A storage tank is subject to OLD but is not subject to control, based on the vapor pressure of the stored liquid. It is associated with a loading rack that is subject to OLD and subject to control, and intends to meet the transfer rack standard through vapor balancing. Can the transfer rack vapor balance to the uncontrolled storage tank?

A15: No. The storage tank to which the transfer rack vapor balances must be controlled to ensure that there are no emissions losses. §63.2346(a)(4)(iv) specifically states that no pressure relief devices on the storage tank shall be open during loading or as a result of diurnal temperature changes during vapor balancing.

Q16: A compressed gas, which is a Table 1 organic HAP, is offloaded from railcars using a pipeline and compressor system into a pressurized tank at an existing source. The compressed gas remains in the gaseous state throughout the transfer. The tank is designed to operate in excess of 204.9 kilopascals and without emissions to the atmosphere. Is there any applicability to OLD?

A16: No. A compressed gases is not subject to Subpart EEEE because it does not meet the definition of "organic liquid." If the compressed gas were transferred in the liquid

state, then the transfer rack unloading the organic liquid would be subject to OLD but would have no control requirements unless it met the criteria of item 7 or 8 of Table 2. If the tank was designed to operate in excess of 204.9 kilopascals and without emissions to the atmosphere, then it would not be a storage tank according to §63.2406.

Q17: Facilities subject to the OLD rule that have internal floating roof tanks complying with Subpart WW (control level 2) may periodically land the floating roof on its support legs, e.g., because of usage, to accommodate change of service, or to facilitate emptying and degassing for roof and seal inspections or other maintenance. When the floating roof is landed, the process of filling to the point of re-floating the floating roof must be continuous and performed as soon as practical per §63.1063(b)(2). Would any of these landings constitute startup and shutdown activities? If so, would the fact that the requirements of §63.1063(b)(2) were met mean that there were no exceedances of the relevant standard?

A17: Landing a floating roof in order to change the service of the tank or to empty and degas the tank for roof and seal inspections or other maintenance are activities that would constitute startup and shutdown. However, landings caused by lowering of the tank level due to usage would not by definition be startup or shutdown.

Section 40 CFR 63.10(d)(5)(i) requires the submission of a startup, shutdown, and malfunction (SSM) report that includes information about startups and shutdowns that caused the source to exceed "any applicable emission limitation in the relevant emission standards".

"Relevant standard" is further defined in 63.2 as follows:

> *Relevant standard* means:
> (1) An emission standard;
> (2) An alternative emission standard;
> (3) An alternative emission limitation; or
> (4) An equivalent emission limitation established pursuant to section 112 of the Act that applies to the collection of equipment, activities, or both regulated by such standard or limitation. A relevant standard may include or consist of a design, equipment, work practice, or operational requirement, or other measure, process, method, system, or technique (including prohibition of emissions) that the Administrator (or a State) establishes for new or existing sources to which such standard or limitation applies. Every relevant standard established pursuant to section 112 of the Act includes subpart A of this part, as provided by §63.1(a)(4), and all applicable appendices of this part or of other parts of this chapter that are referenced in that standard.

If you are in compliance with §63.1063(b)(2), then you would be meeting the work practice standard, which in this case is the relevant standard and would not be required to submit a SSM report. If you are not in compliance with §63.1063(b)(2), then you would be exceeding the applicable emission limitation in the relevant standard and would be required to submit a SSM report.

In addition, a landing caused by lowering of the tank level due to usage would not constitute an exceedance so long as the requirements of §63.1063(b)(2) are met.

F. Transfer Racks

Q18: There are many small volume transfers at refineries. One example is methanol which is used for analytical tests. In this case, a tote is filled from a truck using piping, valves and meters. The tote is then used to fill a pail by gravity drain. The pail is then used to fill beakers in a laboratory, again by gravity. Which of these transfers would be considered transfer rack transfers?

A18: By definition, a transfer rack is a system that transfers liquids into or out of transport vehicles or containers. Therefore, the transfers from the truck to the tote using piping, valves, and meters would be considered a transfer rack transfer; the transfer from the tote to the pail would not and the pail to the beakers by gravity fill would not.

Q19: Would pumping any organic liquid out of or into a container or tote need to be considered under the transfer rack provisions? If a drum is refilled by a tote using gravity drain, does this constitute a transfer rack?

A19: Yes. Based on the definition of transfer rack, you would have to consider the pumping of any organic liquid out of or into a container. A drum loading rack is considered to be a loading rack. Filling a drum from a tote using gravity feed would not be considered a transfer rack as this does not entail or require a system of loading arms, pumps, meters, shutoff valves, relief valves, etc.

Q20: A facility pumps liquid directly from a tote to a reactor vessel. Is this activity considered to be a transfer rack under Subpart EEEE? Would it make a difference if the transfer was done through a hose rather than a pipe?

A20: Yes. If a facility pumps liquids from a tote to a day tank that is attached to the process, and the day tank is not subject to a different 40 CFR 63 NESHAP, then this operation would be considered to be a transfer rack under Subpart EEEE, if it otherwise met the definition of transfer rack at §63.2406. Finally, it makes no difference if the filling is done through a hose rather than a pipe.

Q21: Would loading/unloading of organic liquids via a tanker truck using a transfer pump located on the truck and no other equipment other than hoses be considered a transfer rack? Would it make a difference if the transfer pump was secured at the facility?

A21: Yes, this would be considered a transfer rack. It makes no difference if the pump is located on the truck, or if it is secured at the facility.

Q22: What would trigger "new" transfer rack requirements under the OLD MACT at an existing facility? Would reconstruction of the affected source trigger applicability of items 9-10 in Table 2 or are only transfer racks at new (i.e. greenfield) affected sources subject to items 9-10?

A22: Facility reconstruction would trigger the new source requirements for the affected facility, including transfer racks. "Reconstruction" is defined as the replacement of components that cost more than 50 percent of the cost of constructing a new unit or source like the one being rebuilt. Both greenfield and reconstructed sources are subject to the new source requirements in Table 2 at items 9-10. The addition of a transfer rack that does not trigger reconstruction would not trigger new transfer rack requirements.

Q23: An OLD terminal proposes to meet 40 CFR 63 Subpart EEEE by collecting the tank truck loading vapors and sending the vapors through a closed vent system to a control device that meets the regulations. To load the truck, the facility proposes to attach/bolt a metal plate to the opened dome. The plate has the loading hose and vapor recovery line attached to it. While disconnecting the tank truck, it is necessary to remove the metal plate from the tank truck exposing the contents of the truck to the atmosphere until the dome lid is secured. Does this type of loading meet Subpart EEEE regulations?

A23: No. The rule requires you to meet the pressure requirements at all times. The retrofit system you are describing would be prone to leakage, even with the plate bolted down and would not meet the pressure testing requirements. The majority of trucks are equipped to be bottom loaded and the vapor return lines are mounted in the top panel compartments and they are equipped with sealed disconnect fittings and pressure relief valves.

G. Equipment Leaks

Q24: What equipment leak standards are applicable at an affected facility where the number of hours of service for the storage tanks is greater than 300 hours of organic liquid service, yet related systems, such as transfer rack, pipeline and pipeline transfer rack to storage tanks have less than 300 hours of OLD service?

A24: Each storage tank, transfer rack and associated pipeline is evaluated separately against the 300 hours per year threshold. Therefore, the storage tank would be subject to equipment leak requirements of the selected Subpart. Under §63.2346(c) for each pump, valve, and sampling connection systems that operates in organic liquids service for at least 300 hours per year, you must comply with the applicable requirements under 40 CFR Part 63, Subpart TT (Control Level 1), Subpart UU (Control Level 2), or Subpart H. Note that equipment remains in HAP service even if the storage tank, transfer rack or pipeline is not in use, unless the equipment is emptied and/or purged.

Q25: Why do OLD recordkeeping and reporting requirements in §63.2396(e)(2) address equipment associated with unloading transfer racks if the only requirements for such unloading transfer racks are called out in §63.2343(a)?

A25: §63.2343 applies to the transfer rack which unloads organic liquids, not to the equipment components associated with the rack. Equipment components are subject to the leak detection and repair requirements set forth in the rule, e.g., §63.2346(c) and item 4 of Table 4. If you only have sources that are described by §63.2343 (i.e., you have no equipment leak components in organic liquids service for at least 300 hours per year), then the requirements at §63.2396(e)(2) do not apply.

Q26: Do sources have 180 days after the compliance date to tag and conduct the first round of monitoring on all pumps/valves, and comply with the sampling connection system provisions (under TT/UU/H)? If so, is it correct that some of the first compliance reports due July 30, 2007, may not have fugitive monitoring results to report?

A26: Yes. Sources have 180 days after the compliance date to tag and conduct the first round of required monitoring. The first periodic report, due postmarked by July 30, 2007, would not contain information on periodic monitoring or work practice (LDAR) because of the 180-day timeframe for conducting the initial compliance demonstrations ends after the submittal date.

4.0 GLOSSARY OF DEFINED TERMS

Actual annual average temperature, for organic liquids, means the temperature determined using the following methods.

(1) For heated or cooled storage tanks: use the calculated annual average temperature of the stored organic liquid as determined from a design analysis of the storage tank.
(2) For ambient temperature storage tanks:
(i) use the annual average of the local (nearest) normal daily mean temperatures reported by the National Climatic Data Center; or
(ii) use any other method that the EPA approves.

Administrator means the Administrator of the United States Environmental Protection Agency or his or her authorized representative (e.g., a State that has been delegated the authority to implement the provisions of this part).

Affected source means the collection of equipment, activities, or both within a single contiguous area and under common control that is included in a section 112(c) source category or subcategory for which a section 112(d) standard or other relevant standard is established pursuant to section 112 of the Act. Each relevant standard will define the "affected source," as defined in this paragraph unless a different definition is warranted based on a published justification as to why this definition would result in significant administrative, practical, or implementation problems and why the different definition would resolve those problems. The term "affected source," as used in this part, is separate and distinct from any other use of that term in EPA regulations such as those implementing title IV of the Act. Affected source may be defined differently for part 63 than affected facility and stationary source in parts 60 and 61, respectively. This definition of "affected source," and the procedures for adopting an alternative definition of "affected source," shall apply to each section 112(d) standard for which the initial proposed rule is signed by the Administrator after June 30, 2002.

Alternative emission limitation means conditions established pursuant to sections 112(i)(5) or 112(i)(6) of the Act by the Administrator or by a State with an approved permit program.

Alternative emission standard means an alternative means of emission limitation that, after notice and opportunity for public comment, has been demonstrated by an owner or operator to the Administrator's satisfaction to achieve a reduction in emissions of any air pollutant at least equivalent to the reduction in emissions of such pollutant achieved under a relevant design, equipment, work practice, or operational emission standard, or combination thereof, established under this part pursuant to section 112(h) of the Act.

Alternative test method means any method of sampling and analyzing for an air pollutant that is not a test method in this chapter and that has been demonstrated to the Administrator's satisfaction, using Method 301 in Appendix A of this part, to produce

results adequate for the Administrator's determination that it may be used in place of a test method specified in this part.

Approved permit program means a State permit program approved by the Administrator as meeting the requirements of part 70 of this chapter or a Federal permit program established in this chapter pursuant to title V of the Act (42 U.S.C. 7661).
Area source means any stationary source of hazardous air pollutants that is not a major source as defined in this part.

Annual average true vapor pressure means the equilibrium partial pressure exerted by the total Table 1 organic HAP in the stored or transferred organic liquid. For the purpose of determining if a liquid meets the definition of an organic liquid, the vapor pressure is determined using standard conditions of 77 degrees F and 29.92 inches of mercury. For the purpose of determining whether an organic liquid meets the applicability criteria in Table 2, items 1 through 6, to this subpart, use the actual annual average temperature as defined in this subpart. The vapor pressure value in either of these cases is determined:

(1) In accordance with methods described in American Petroleum Institute Publication 2517, Evaporative Loss from External Floating-Roof Tanks (incorporated by reference, see §63.14);
(2) Using standard reference texts;
(3) By the American Society for Testing and Materials Method D2879-83, 96 (incorporated by reference, see §63.14); or
(4) Using any other method that the EPA approves.

Bottoms receiver means a tank that collects distillation bottoms before the stream is sent for storage or for further processing downstream.

Capacity means the volume of liquid that is capable of being stored in a vessel, determined by multiplying the vessel's internal cross-sectional area by the internal height of the shell.

Cargo tank means a liquid-carrying tank permanently attached and forming an integral part of a motor vehicle or truck trailer. This term also refers to the entire cargo tank motor vehicle or trailer. For the purpose of this subpart, vacuum trucks used exclusively for maintenance or spill response are not considered cargo tanks.

Closed-loop system means an enclosed system that returns process fluid to the process and is not vented to the atmosphere except through a closed-vent system.

Closed-purge system means a system or combination of system and portable containers, to capture purged liquids. Containers must be covered or closed when not being filled or emptied.

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 vapors from an emission point to a control device. This system does not include the vapor collection system that is part of some transport vehicles or the loading arm or hose that is used for vapor return. For transfer racks, the closed vent system begins at, and includes, the first block valve on the downstream side of the loading arm or hose used to convey displaced vapors.

Closed vent system shutdown means a work practice or operational procedure that stops production from a process unit or part of a process unit during which it is technically feasible to clear process material from a closed vent system or part of a closed vent system consistent with safety constraints and during which repairs can be effected. An unscheduled work practice or operational procedure that stops production from a process unit or part of a process unit for less than 24 hours is not a closed vent system shutdown. An unscheduled work practice or operational procedure that would stop production from a process unit or part of a process unit for a shorter period of time than would be required to clear the closed vent system or part of the closed vent system of materials and start up the unit, and would result in greater emissions than delay of repair of leaking components until the next scheduled closed vent system shutdown, is not a closed vent system shutdown. The use of spare equipment and technically feasible bypassing of equipment without stopping production are not closed vent system shutdowns.

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).

Combustion device means an individual unit of equipment, such as a flare, oxidizer, catalytic oxidizer, process heater, or boiler, used for the combustion of organic emissions.

Commenced means, with respect to construction or reconstruction of an affected source, that an owner or operator has undertaken a continuous program of construction or reconstruction or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or reconstruction.

Compliance date means the date by which an affected source is required to be in compliance with a relevant standard, limitation, prohibition, or any federally enforceable requirement established by the Administrator (or a State with an approved permit program) pursuant to section 112 of the Act.

Compliance schedule means: (1) In the case of an affected source that is in compliance with all applicable requirements established under this part, a statement that the source will continue to comply with such requirements; or
(2) In the case of an affected source that is required to comply with applicable requirements by a future date, a statement that the source will meet such requirements on

a timely basis and, if required by an applicable requirement, a detailed schedule of the dates by which each step toward compliance will be reached; or
(3) In the case of an affected source not in compliance with all applicable requirements established under this part, a schedule of remedial measures, including an enforceable sequence of actions or operations with milestones and a schedule for the submission of certified progress reports, where applicable, leading to compliance with a relevant standard, limitation, prohibition, or any federally enforceable requirement established pursuant to section 112 of the Act for which the affected source is not in compliance. This compliance schedule shall resemble and be at least as stringent as that contained in any judicial consent decree or administrative order to which the source is subject. Any such schedule of compliance shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements on which it is based.

Connector means flanged, screwed, or other joined fittings used to connect two pipelines or a pipeline and a piece of equipment. A common connector is a flange. Joined fittings welded completely around the circumference of the interface are not considered connectors for the purpose of this regulation. For the purpose of reporting and recordkeeping, connector means joined fittings that are not inaccessible, ceramic, or ceramic-lined (e.g., porcelain, glass, or glass-lined) as described in §63.1027(e)(2).

Construction means the on-site fabrication, erection, or installation of an affected source. Construction does not include the removal of all equipment comprising an affected source from an existing location and reinstallation of such equipment at a new location. The owner or operator of an existing affected source that is relocated may elect not to reinstall minor ancillary equipment including, but not limited to, piping, ductwork, and valves. However, removal and reinstallation of an affected source will be construed as reconstruction if it satisfies the criteria for reconstruction as defined in this section. The costs of replacing minor ancillary equipment must be considered in determining whether the existing affected source is reconstructed.

Continuous emission monitoring system (CEMS) means the total equipment that may be required to meet the data acquisition and availability requirements of this part, used to sample, condition (if applicable), analyze, and provide a record of emissions.

Continuous monitoring system (CMS) is a comprehensive term that may include, but is not limited to, continuous emission monitoring systems, continuous opacity monitoring systems, continuous parameter monitoring systems, or other manual or automatic monitoring that is used for demonstrating compliance with an applicable regulation on a continuous basis as defined by the regulation.

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 and portable cargo containers known as "portable tanks" or "totes."

Control device means any combustion device, recovery device, recapture device, or any combination of these devices used to comply with this subpart. Such equipment or

devices include, but are not limited to, absorbers, adsorbers, condensers, and combustion devices. Primary condensers, steam strippers, and fuel gas systems are not considered control devices.

Control System means the combination of the closed vent system and the control devices used to collect and control vapors or gases from a regulated emission source.

Crude oil means any of the naturally occurring liquids commonly referred to as crude oil, regardless of specific physical properties. Only those crude oils downstream of the first point of custody transfer after the production field are considered crude oils in this subpart.

Custody transfer means the transfer of hydrocarbon liquids after processing and/or treatment in the producing operations, or from storage tanks or automatic transfer facilities to pipelines or any other forms of transportation.

Design evaluation means a procedure for evaluating control devices that complies with the requirements in §63.985(b)(1)(i).

Deviation means any instance in which an affected source subject to this subpart, or portion thereof, or an owner or operator of such a source:

(1) Fails to meet any requirement or obligation established by this subpart including, but not limited to, any emission limitation (including any operating limit) or work practice standard;
(2) Fails to meet any term or condition that is adopted to implement an applicable requirement in this subpart, and that is included in the operating permit for any affected source required to obtain such a permit; or
(3) Fails to meet any emission limitation (including any operating limit) or work practice standard in this subpart during SSM.

Effective date means:

(1) With regard to an emission standard established under this part, the date of promulgation in the Federal Register of such standard; or

(2) With regard to an alternative emission limitation or equivalent emission limitation determined by the Administrator (or a State with an approved permit program), the date that the alternative emission limitation or equivalent emission limitation becomes effective according to the provisions of this part.

Emissions averaging is a way to comply with the emission limitations specified in a relevant standard, whereby an affected source, if allowed under a subpart of this part, may create emission credits by reducing emissions from specific points to a level below that required by the relevant standard, and those credits are used to offset emissions from points that are not controlled to the level required by the relevant standard.

Emission limitation means an emission limit, opacity limit, operating limit, or visible emission limit.

Emission standard means a national standard, limitation, prohibition, or other regulation promulgated in a subpart of this part pursuant to sections 112(d), 112(h), or 112(f) of the Act.

Empty container means a container for which either of the following conditions exists: the container meets the conditions for an empty container specified in 40 CFR 261.7(b); or all regulated-material has been removed from the container except for any regulated-material that remains on the interior surfaces of the container as clingage or in pools on the container bottom due to irregularities in the container.

Empty or emptying means the partial or complete removal of stored liquid from a storage vessel. Storage vessels that contain liquid only as wall or bottom clingage, or in pools due to bottom irregularities, are considered completely empty.

Equipment means each pump, compressor, agitator, pressure relief device, sampling connection system, open-ended valve or line, valve, connector, surge control vessel, bottoms receiver, and instrumentation system in organic hazardous air pollutant service; and any control devices or systems required by this subpart.

Equipment leak component means each pump, valve, and sampling connection system used in organic liquids service at an OLD operation. Valve types include control, globe, gate, plug, and ball. Relief and check valves are excluded.

Existing source means any affected source that is not a new source.

First attempt at repair means to take action for the purpose of stopping or reducing leakage of organic material to the atmosphere, followed by monitoring as specified in §63.180 (b) and (c), as appropriate, to verify whether the leak is repaired, unless the owner or operator determines by other means that the leak is not repaired.

Fixed capital cost means the capital needed to provide all the depreciable components of an existing source.

Fuel gas means gases that are combusted to derive useful work or heat.

Fuel gas system means the offsite and onsite piping and control system that gathers gaseous stream(s) generated by onsite operations, may blend them with other sources of gas, and transports the gaseous stream for use as fuel gas in combustion devices or in in-process combustion equipment such as furnaces and gas turbines, either singly or in combination.

Fugitive emissions means those emissions from a stationary source that could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

Under section 112 of the Act, all fugitive emissions are to be considered in determining whether a stationary source is a major source.

Gasoline means any petroleum distillate or petroleum distillate/alcohol blend having a Reid vapor pressure of 27.6 kilopascals (4.0 pounds per square inch absolute (psia) or greater which is used as a fuel for internal combustion engines. Aviation gasoline is included in this definition.

Hard-piping means pipe or tubing that is manufactured and properly installed using good engineering judgment and standards, such as ANSI B31.3.

Hazardous air pollutant means any air pollutant listed in or pursuant to section 112(b) of the Act.

High throughput transfer rack means those transfer racks that transfer into transport vehicles (for existing affected sources) or into transport vehicles and containers (for new affected sources) a total of 11.8 million liters per year or greater of organic liquids.

In gas/vapor service means that a piece of equipment in organic hazardous air pollutant service contains a gas or vapor at operating conditions.

In heavy liquid service means that a piece of equipment in organic hazardous air pollutant service is not in gas/vapor service or in light liquid service.

In light liquid service means that a piece of equipment in organic hazardous air pollutant service contains a liquid that meets the following conditions:

(1) The vapor pressure of one or more of the organic compounds is greater than 0.3 kilopascals at 20 °C,
(2) The total concentration of the pure organic compounds constituents having a vapor pressure greater than 0.3 kilopascals at 20 °C is equal to or greater than 20 percent by weight of the total process stream, and
(3) The fluid is a liquid at operating conditions.
Note: Vapor pressures may be determined by the methods described in 40 CFR 60.485(e)(1).

In liquid service means that a piece of equipment in organic hazardous air pollutant service is not in gas/vapor service.

In organic hazardous air pollutant or in organic HAP service means that a piece of equipment either contains or contacts a fluid (liquid or gas) that is at least 5 percent by weight of total organic HAPs as determined according to the provisions of §63.180(d) of this subpart. The provisions of §63.180(d) of this subpart also specify how to determine that a piece of equipment is not in organic HAP service.

In organic liquids service means that an equipment leak component contains or contacts organic liquids having 5 percent by weight or greater of the organic HAP listed in Table 1 to this subpart.

In regulated material service means, for the purpose of this subpart, equipment which meets the definition of "in VOC service", "in VHAP service", "in organic hazardous air pollutant service", or "in other chemicals or groups of chemicals service" as defined in the referencing subpart.

In volatile organic compound or in VOC service means that:

(1) The piece of equipment contains or contacts a process fluid that is at least 10 percent VOC by weight (see 40 CFR 60.2 for the definition of VOC, and 40 CFR 60.485(d) to determine whether a piece of equipment is not in VOC service); and
(2) The piece of equipment is not in heavy liquid service as defined in 40 CFR 60.481.

Instrumentation system means a group of equipment components used to condition and convey a sample of the process fluid to analyzers and instruments for the purpose of determining process operating conditions (e.g., composition, pressure, flow, etc.). Valves and connectors are the predominant type of equipment used in instrumentation systems; however, other types of equipment may also be included in these systems. Only valves nominally 1.27 centimeters (0.5 inches) and smaller, and connectors nominally 1.91 centimeters (0.75 inches) and smaller in diameter are considered instrumentation systems for the purposes of this subpart. Valves greater than nominally 1.27 centimeters (0.5 inches) and connectors greater than nominally 1.91 centimeters (0.75 inches) associated with instrumentation systems are not considered part of instrumentation systems and must be monitored individually.

Liquids dripping means any visible leakage from the seal including dripping, spraying, misting, clouding, and ice formation. Indications of liquids dripping include puddling or new stains that are indicative of an existing evaporated drip.

Low throughput transfer rack means those transfer racks that transfer into transport vehicles (for existing affected sources) or into transport vehicles and containers (for new affected sources) less than 11.8 million liters per year of organic liquids.

Major source means any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants, unless the Administrator establishes a lesser quantity, or in the case of radionuclides, different criteria from those specified in this sentence.

New affected source means the collection of equipment, activities, or both within a single contiguous area and under common control that is included in a section 112(c) source category or subcategory that is subject to a section 112(d) or other relevant

standard for new sources. This definition of "new affected source," and the criteria to be utilized in implementing it, shall apply to each section 112(d) standard for which the initial proposed rule is signed by the Administrator after June 30, 2002. Each relevant standard will define the term "new affected source," which will be the same as the "affected source" unless a different collection is warranted based on consideration of factors including:

(1) Emission reduction impacts of controlling individual sources versus groups of sources;
(2) Cost effectiveness of controlling individual equipment;
(3) Flexibility to accommodate common control strategies;
(4) Cost/benefits of emissions averaging;
(5) Incentives for pollution prevention;
(6) Feasibility and cost of controlling processes that share common equipment (e.g., product recovery devices);
(7) Feasibility and cost of monitoring; and
(8) Other relevant factors.

New source means any affected source the construction or reconstruction of which is commenced after the Administrator first proposes a relevant emission standard under this part establishing an emission standard applicable to such source.

No detectable organic emissions means no escape of organics to the atmosphere as determined using the procedure specified in §63.925(a) of this subpart.

Nonrepairable means that it is technically infeasible to repair a piece of equipment from which a leak has been detected without a process unit or affected facility shutdown. Open-ended valve or line means any valve, except relief valves, having one side of the valve seat in contact with process fluid and one side open to atmosphere, either directly or through open piping.

On-site or **on site** means, with respect to records required to be maintained by this subpart or required by another subpart referenced by this subpart, that records are stored at a location within a major source which encompasses the affected source. On-site includes, but is not limited to, storage at the affected source to which the records pertain, storage in central files elsewhere at the major source, or electronically available at the site.

Open-ended valve or line means any valve, except relief valves, having one side of the valve seat in contact with process fluid and one side open to atmosphere, either directly or through open piping.

Organic liquid means:

(1) Any non-crude oil liquid or liquid mixture that contains 5 percent by weight or greater of the organic HAP listed in Table 1 to this subpart, as determined using the procedures specified in §63.2354(c).
(2) Any crude oils downstream of the first point of custody transfer.
(3) Organic liquids for purposes of this subpart do not include the following liquids:
(i) Gasoline (including aviation gasoline), kerosene (No. 1 distillate oil), diesel (No. 2 distillate oil), asphalt, and heavier distillate oils and fuel oils;
(ii) Any fuel consumed or dispensed on the plant site directly to users (such as fuels for fleet refueling or for refueling marine vessels that support the operation of the plant);
(iii) Hazardous waste;
(iv) Wastewater;
(v) Ballast water: or
(vi) Any non-crude oil liquid with an annual average true vapor pressure less than 0.7 kilopascals (0.1 psia).

Organic liquids distribution (OLD) operation means the combination of activities and equipment used to store or transfer organic liquids into, out of, or within a plant site regardless of the specific activity being performed. Activities include, but are not limited to, storage, transfer, blending, compounding, and packaging.

Organic monitoring device means a unit of equipment used to indicate the concentration level of organic compounds based on a detection principle such as infra-red, photo ionization, or thermal conductivity.

Owner or operator means any person who owns, leases, operates, controls, or supervises a regulated source or a stationary source of which a regulated source is a part.

Performance test means the collection of data resulting from the execution

Permitting authority means one of the following:
(1) The State Air Pollution Control Agency, local agency, or other agency authorized by the EPA Administrator to carry out a permit program under 40 CFR part 70; or
(2) The EPA Administrator, in the case of EPA-implemented permit programs under title V of the CAA (42 U.S.C. 7661) and 40 CFR part 71.

Plant site means all contiguous or adjoining surface property that is under common control, including surface properties that are separated only by a road or other public right-of-way. Common control includes surface properties that are owned, leased, or operated by the same entity, parent entity, subsidiary, or any combination.

Pole float means a float located inside a guidepole that floats on the surface of the stored liquid. The rim of the float has a wiper or seal that extends to the inner surface of the pole.

Pole sleeve means a device which extends from either the cover or the rim of an opening in a floating roof deck to the outer surface of a pole that passes through the opening. The sleeve extends into the stored liquid.

Pole wiper means a seal that extends from either the cover or the rim of an opening in a floating roof deck to the outer surface of a pole that passes through the opening.

Potential to emit means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the stationary source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is federally enforceable.

Reconstruction means the replacement of components of an affected or a previously nonaffected source to such an extent 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 hazardous air pollutants from that source.

Recovery device means an individual unit of equipment capable of and normally used for the purpose recovering chemical for fuel value (i.e., net positive heating value), use, reuse, or for sale for fuel value, use, or reuse. Examples of equipment that may be recovery devices include absorbers, carbon adsorbers, condensers, oil-water separators or organic-water separators, or organic removal devices such as decanters, strippers, or thin-film evaporation units. For purposes of the monitoring, recordkeeping, and reporting requirements of this subpart, recapture devices are considered recovery devices.

Referencing subpart means the subpart that refers an owner or operator this subpart.

Regulated material refers to gases from volatile organic liquids (VOL), volatile organic compounds (VOC), hazardous air pollutants (HAP), or other chemicals or groups of chemicals that are regulated by the referencing subpart.

Regulated source means the stationary source, the group of stationary sources, or the portion of a stationary source that is regulated by a relevant standard or other requirement established pursuant to a referencing subpart.

Repaired means that equipment is adjusted, or otherwise altered, to eliminate a leak as defined in the applicable sections of this subpart and unless otherwise specified in

applicable provisions of this subpart, is monitored as specified in §§63.1023(b) and (c) to verify that emissions from the equipment are below the applicable leak definition.

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 which are not engaged in the manufacture of products for commercial sale, except in a de minimis manner.

Responsible official means responsible official as defined in 40 CFR 70.2 and 40 CFR 71.2, as applicable.

Rim seal means a device attached to the rim of a floating roof deck that spans the annular space between the deck and the wall of the storage vessel. When a floating roof has only one such device, it is a primary seal; when there are two seals (one mounted above the other), the lower seal is the primary seal and the upper seal is the secondary seal.

Safety device means a closure device such as a pressure relief valve, frangible disc, fusible plug, or any other type of device that functions exclusively to prevent physical damage or permanent deformation to a unit or its air emission control equipment by venting gases or vapors directly to the atmosphere during unsafe conditions resulting from an unplanned, accidental, or emergency event.

Screwed (threaded) connector means a threaded pipe fitting where the threads are cut on the pipe wall and the fitting requires only two pieces to make the connection (i.e., the pipe and the fitting).

Shutdown means the cessation of operation of an OLD affected source, or portion thereof (other than as part of normal operation of a batch-type operation), including equipment required or used to comply with this subpart, or the emptying and degassing of a storage tank. Shutdown as defined here includes, but is not limited to, events that result from periodic maintenance, replacement of equipment, or repair.

Slotted guidepole means a guidepole or gaugepole that has slots or holes through the wall of the pole. The slots or holes allow the stored liquid to flow into the pole at liquid levels above the lowest operating level.

Startup means the setting in operation of an OLD affected source, or portion thereof (other than as part of normal operation of a batch-type operation), for any purpose. Startup also includes the placing in operation of any individual piece of equipment required or used to comply with this subpart including, but not limited to, control devices and monitors.

Storage vessel or tank means a stationary unit that is constructed primarily of nonearthen materials (such as wood, concrete, steel, or reinforced plastic) that provide

structural support and is designed to hold a bulk quantity of liquid. Storage tanks do not include:

(1) Units permanently attached to conveyances such as trucks, trailers, rail cars, barges, or ships;
(2) Pressure vessels designed to operate in excess of 204.9 kilopascals and without emissions to the atmosphere;
(3) Bottoms receivers;
(4) Surge control vessels;
(5) Vessels storing wastewater; or
(6) Reactor vessels associated with a manufacturing process unit.

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

Tank car means a car designed to carry liquid freight by rail, and including a permanently attached tank.

Total actual annual facility-level organic liquid loading volume means the total facility-level actual volume of organic liquid loaded for transport within or out of the facility through transfer racks that are part of the affected source into transport vehicles (for existing affected sources) or into transport vehicles and containers (for new affected sources) based on a 3-year rolling average, calculated annually.

(1) For existing affected sources, each 3-year rolling average is based on actual facility-level loading volume during each calendar year (January 1 through December 31) in the 3-year period. For calendar year 2004 only (the first year of the initial 3-year rolling average), if an owner or operator of an affected source does not have actual loading volume data for the time period from January 1, 2004, through February 2, 2004 (the time period prior to the effective date of the OLD NESHAP), the owner or operator shall compute a facility-level loading volume for this time period as follows: At the end of the 2004 calendar year, the owner or operator shall calculate a daily average facility-level loading volume (based on the actual loading volume for February 3, 2004, through December 31, 2004) and use that daily average to estimate the facility-level loading volume for the period of time from January 1, 2004, through February 2, 2004. The owner or operator shall then sum the estimated facility-level loading volume from January 1, 2004, through February 2, 2004, and the actual facility-level loading volume from February 3, 2004, through December 31, 2004, to calculate the annual facility-level loading volume for calendar year 2004.

(2)(i) For new affected sources, the 3-year rolling average is calculated as an average of three 12-month periods. An owner or operator must select as the beginning calculation date with which to start the calculations as either the initial startup date of the new affected source or the first day of the calendar month following the month in which

startup occurs. Once selected, the date with which the calculations begin cannot be changed.

(ii) The initial 3-year rolling average is based on the projected maximum facility-level annual loading volume for each of the 3 years following the selected beginning calculation date. The second 3-year rolling average is based on actual facility-level loading volume for the first year of operation plus a new projected maximum facility-level annual loading volume for second and third years following the selected beginning calculation date. The third 3-year rolling average is based on actual facility-level loading volume for the first 2 years of operation plus a new projected maximum annual facility-level loading volume for the third year following the beginning calculation date. Subsequent 3-year rolling averages are based on actual facility-level loading volume for each year in the 3-year rolling average.

Transfer rack means a single system used to load organic liquids into, or unload organic liquids out of, transport vehicles or containers. It includes all loading and unloading arms, pumps, meters, shutoff valves, relief valves, and other piping and equipment necessary for the transfer operation. Transfer equipment and operations that are physically separate (i.e., do not share common piping, valves, and other equipment) are considered to be separate transfer racks.

Transport vehicle means a cargo tank or tank car.

Vapor balancing system means: (1) a piping system that collects organic HAP vapors displaced from transport vehicles or containers during loading and routes the collected vapors to the storage tank from which the liquid being loaded originated or to another storage tank connected to a common header. For containers, the piping system must route the displaced vapors directly to the appropriate storage tank or to another storage tank connected to a common header in order to qualify as a vapor balancing system; or (2) a piping system that collects organic HAP vapors displaced from the loading of a storage tank and routes the collected vapors to the transport vehicle from which the storage tank is filled.

Vapor collection system means any equipment located at the source (i.e., at the OLD operation) that is not open to the atmosphere; that is composed of piping, connections, and, if necessary, flow-inducing devices; and that is used for:

(1) Containing and conveying vapors displaced during the loading of transport vehicles to a control device;
(2) Containing and directly conveying vapors displaced during the loading of containers; or
(3) Vapor balancing. This does not include any of the vapor collection equipment that is installed on the transport vehicle.

Vapor-mounted seal means a rim seal designed not to be in contact with the stored liquid. Vapor-mounted seals may include, but are not limited to, resilient seals and flexible wiper seals.

Vapor-tight transport vehicle means a transport vehicle that has been demonstrated to be vapor-tight. To be considered vapor-tight, a transport vehicle equipped with vapor collection equipment must undergo a pressure change of no more than 250 pascals (1 inch of water) within 5 minutes after it is pressurized to 4,500 pascals (18 inches of water). This capability must be demonstrated annually using the procedures specified in EPA Method 27 of 40 CFR part 60, appendix A. For all other transport vehicles, vapor tightness is demonstrated by performing the U.S. DOT pressure test procedures for tank cars and cargo tanks.

Work practice standard means any design, equipment, work practice, or operational standard, or combination thereof that is promulgated pursuant to section 112(h) of the CAA.

Appendix A: Tables to Subpart EEEE of Part 63

Table 1 to Subpart EEEE of Part 63–Organic Hazardous Air Pollutants

You must use the organic HAP information listed in the following table to determine which of the liquids handled at your facility meet the HAP content criteria in the definition of Organic Liquid in §63.2406.

Compound Name	CAS Number[a]
2,4-D salts and esters	94-75-7
Acetaldehyde	75-07-0
Acetonitrile	75-05-8
Acetophenone	98-86-2
Acrolein	107-02-8
Acrylamide	79-06-1
Acrylic acid	79-10-7
Acrylonitrile	107-13-1
Allyl chloride	107-05-1
Aniline	62-53-3
Benzene	71-43-2
Biphenyl	92-52-4
Butadiene (1,3-)	106-99-0
Carbon tetrachloride	56-23-5
Chloroacetic acid	79-11-8
Chlorobenzene	108-90-7
2-Chloro-1,3-butadiene (Chloroprene)	126-99-8
Chloroform	67-66-3
m-Cresol	108-39-4
o-Cresol	95-48-7
p-Cresol	106-44-5

Compound Name	CAS Number[a]
Cresols/cresylic acid	1319-77-3
Cumene	98-82-8
Dibenzofurans	132-64-9
Dibutylphthalate	84-74-2
Dichloroethane (1,2-) (Ethylene dichloride) (EDC)	107-06-2
Dichloropropene (1,3-)	542-75-6
Diethanolamine	111-42-2
Diethyl aniline (N,N-)	121-69-7
Diethylene glycol monobutyl ether	112-34-5
Diethylene glycol monomethyl ether	111-77-3
Diethyl sulfate	64-67-5
Dimethyl formamide	68-12-2
Dimethylhydrazine (1,1-)	57-14-7
Dioxane (1,4-) (1,4-Diethyleneoxide)	123-91-1
Epichlorohydrin (1-Chloro-2,3-epoxypropane)	106-89-8
Epoxybutane (1,2-)	106-88-7
Ethyl acrylate	140-88-5
Ethylbenzene	100-41-4
Ethyl chloride (Chloroethane)	75-00-3
Ethylene dibromide (Dibromomethane)	106-93-4
Ethylene glycol	107-21-1
Ethylene glycol dimethyl ether	110-71-4
Ethylene glycol monomethyl ether	109-86-4
Ethylene glycol monomethyl ether acetate	110-49-6
Ethylene glycol monophenyl ether	122-99-6
Formaldehyde	50-00-0

Compound Name	CAS Number[a]
Hexachloroethane	67-72-1
Hexane	110-54-3
Hydroquinone	123-31-9
Isophorone	78-59-1
Maleic anhydride	108-31-6
Methanol	67-56-1
Methyl chloride (Chloromethane)	74-87-3
Methylene chloride (Dichloromethane)	75-09-2
Methylenedianiline (4,4'-)	101-77-9
Methylene diphenyl diisocyanate	101-68-8
Methyl hydrazine	60-34-4
Methyl isobutyl ketone (Hexone) (MIBK)	108-10-1
Methyl methacrylate	80-62-6
Methyl tert-butyl ether (MTBE)	1634-04-4
Naphthalene	91-20-3
Nitrobenzene	98-95-3
Phenol	108-9-52
Phthalic anhydride	85-44-9
Polycyclic organic matter	50-32-8
Propionaldehyde	123-38-6
Propylene dichloride (1,2-Dichloropropane)	78-87-5
Propylene oxide	75-56-9
Quinoline	91-22-5
Styrene	100-42-5
Styrene oxide	96-09-3
Tetrachloroethane (1,1,2,2-)	79-34-5

Compound Name	CAS Number[a]
Tetrachloroethylene (Perchloroethylene)	127-18-4
Toluene	108-88-3
Toluene diisocyanate (2,4-)	584-84-9
o-Toluidine	95-53-4
Trichlorobenzene (1,2,4-)	120-82-1
Trichloroethane (1,1,1-) (Methyl chloroform)	71-55-6
Trichloroethane (1,1,2-) (Vinyl trichloride)	79-00-5
Trichloroethylene	79-01-6
Triethylamine	121-44-8
Trimethylpentane (2,2,4-)	540-84-1
Vinyl acetate	108-05-4
Vinyl chloride (Chloroethylene)	75-01-4
Vinylidene chloride (1,1-Dichloroethylene)	75-35-4
Xylene (m-)	108-38-3
Xylene (o-)	95-47-6
Xylene (p-)	106-42-3
Xylenes (isomers and mixtures)	1330-20-7

[a]CAS numbers refer to the Chemical Abstracts Services registry number assigned to specific compounds, isomers, or mixtures of compounds.

Table 2 to Subpart EEEE of Part 63--Emission Limits

As stated in §63.2346, you must comply with the emission limits for the organic liquids distribution emission sources as follows:

If you own or operate...	And if...	Then you must...
1. A storage tank at an existing affected source with a capacity ≥18.9 cubic meters (5,000 gallons) and <189.3 cubic meters (50,000 gallons).	a. The stored organic liquid is not crude oil and if the annual average true vapor pressure of the total Table 1 organic HAP in the stored organic liquid is ≥27.6 kilopascals (4.0 psia) and <76.6 kilopascals (11.1 psia).	i. Reduce emissions of total organic HAP (or, upon approval, TOC) by at least 95 weight-percent or, as an option, to an exhaust concentration less than or equal to 20 ppmv, on a dry basis corrected to 3 percent oxygen for combustion devices using supplemental combustion air, by venting emissions through a closed vent system to any combination of control devices meeting the applicable requirements of 40 CFR part 63, subpart SS; OR ii. Comply with the work practice standards specified in Table 4 to this subpart, items 1.a, 1.b, or 1.c for tanks storing liquids described in that table.
	b. The stored organic liquid is crude oil.	i. See the requirement in item 1.a.i or 1.a.ii of this table.
2. A storage tank at an existing affected source with a capacity ≥189.3 cubic meters (50,000 gallons).	a. The stored organic liquid is not crude oil and if the annual average true vapor pressure of the total Table 1 organic HAP in the stored organic liquid is <76.6 kilopascals (11.1 psia).	i. See the requirement in item 1.a.i or 1.a.ii of this table.
	b. The stored organic liquid is crude oil.	i. See the requirement in item 1.a.i or 1.a.ii of this table.
3. A storage tank at a reconstructed or new affected source with a capacity ≥18.9 cubic meters (5,000 gallons) and <37.9 cubic meters (10,000 gallons).	a. The stored organic liquid is not crude oil and if the annual average true vapor pressure of the total Table 1 organic HAP in the stored organic liquid is ≥27.6 kilopascals (4.0 psia) and	i. See the requirement in item 1.a.i or 1.a.ii of this table.

If you own or operate...	And if...	Then you must...
	<76.6 kilopascals (11.1 psia).	
	b. The stored organic liquid is crude oil.	i. See the requirement in item 1.a.i or 1.a.ii of this table.
4. A storage tank at a reconstructed or new affected source with a capacity ≥37.9 cubic meters (10,000 gallons)and <189.3 cubic meters (50,000 gallons).	a. The stored organic liquid is not crude oil and if the annual average true vapor pressure of the total Table 1 organic HAP in the stored organic liquid is ≥0.7 kilopascals (0.1 psia) and <76.6 kilopascals (11.1 psia).	i. See the requirement in item 1.a.i or 1.a.ii of this table.
	b. The stored organic liquid is crude oil.	i. See the requirement in item 1.a.i or 1.a.ii of this table.
5. A storage tank at a reconstructed or new affected source with a capacity ≥189.3 cubic meters (50,000 gallons).	a. The stored organic liquid is not crude oil and if the annual average true vapor pressure of the total Table 1 organic HAP in the stored organic liquid is <76.6 kilopascals (11.1 psia).	i. See the requirement in item 1.a.i or 1.a.ii of this table.
	b. The stored organic liquid is crude oil.	i. See the requirement in item 1.a.i or 1.a.ii of this table.
6. A storage tank at an existing, reconstructed, or new affected source meeting the capacity criteria specified in Table 2 of this subpart, items 1 through 5.	a. The stored organic liquid is not crude oil and if the annual average true vapor pressure of the total Table 1 organic HAP in the stored organic liquid is ≥76.6 kilopascals (11.1 psia).	i. Reduce emissions of total organic HAP (or, upon approval, TOC) by at least 95 weight-percent or, as an option, to an exhaust concentration less than or equal to 20 ppmv, on a dry basis corrected to 3 percent oxygen for combustion devices using supplemental combustion air, by venting emissions through a closed vent system to any combination of control devices meeting the applicable requirements of 40 CFR part 63, subpart SS; OR

If you own or operate...	And if...	Then you must...
		ii. Comply with the work practice standards specified in Table 4 to this subpart, item 2.a, for tanks storing the liquids described in that table.
7. A transfer rack at an existing facility where the total actual annual facility-level organic liquid loading volume through transfer racks is equal to or greater than 800,000 gallons and less than 10 million gallons.	a. The total Table 1 organic HAP content of the organic liquid being loaded through one or more of the transfer rack's arms is at least 98 percent by weight and is being loaded into a transport vehicle.	i. For all such loading arms at the rack, reduce emissions of total organic HAP (or, upon approval, TOC) from the loading of organic liquids either by venting the emissions that occur during loading through a closed vent system to any combination of control devices meeting the applicable requirements of 40 CFR part 63, subpart SS, achieving at least 98 weight-percent HAP reduction, OR, as an option, to an exhaust concentration less than or equal to 20 ppmv, on a dry basis corrected to 3 percent oxygen for combustion devices using supplemental combustion air; or ii. During the loading of organic liquids, comply with the work practice standards specified in item 3 of Table 4 to this subpart.
8. A transfer rack at an existing facility where the total actual annual facility-level organic liquid loading volume through transfer racks is $\geq$10 million gallons.	a. One or more of the transfer rack's arms is loading an organic liquid into a transport vehicle.	i. See the requirements in items 7.a.i and 7.a.ii of this table.
9. A transfer rack at a new facility where the total actual annual facility-level organic liquid loading volume through transfer racks is less than 800,000 gallons.	a. The total Table 1 organic HAP content of the organic liquid being loaded through one or more of the transfer rack's arms is at least 25 percent by weight and is being loaded into a transport vehicle.	i. See the requirements in items 7.a.i and 7.a.ii of this table.
	b. One or more of the transfer rack's arms is	i. For all such loading arms at the rack during the loading of organic liquids,

If you own or operate...	And if...	Then you must...
	filling a container with a capacity equal to or greater than 55 gallons.	comply with the provisions of §§63.924 through 63.927 of 40 CFR part 63, Subpart PP - National Emission Standards for Containers, Container Level 3 controls; or ii. During the loading of organic liquids, comply with the work practice standards specified in item 3.a of Table 4 to this subpart.
10. A transfer rack at a new facility where the total actual annual facility-level organic liquid loading volume through transfer racks is equal to or greater than 800,000 gallons.	a. One or more of the transfer rack's arms is loading an organic liquid into a transport vehicle.	i. See the requirements in items 7.a.i and 7.a.ii of this table.
	b. One or more of the transfer rack's arms is filling a container with a capacity equal to or greater than 55 gallons.	i. For all such loading arms at the rack during the loading of organic liquids, comply with the provisions of §§63.924 through 63.927 of 40 CFR part 63, Subpart PP - National Emission Standards for Containers, Container Level 3 controls; or ii. During the loading of organic liquids, comply with the work practice standards specified in item 3.a of Table 4 to this subpart.

Table 3 to Subpart EEEE of Part 63--Operating Limits - High Throughput Transfer Racks

As stated in §63.2346(e), you must comply with the operating limits for existing, reconstructed, or new affected sources as follows:

For each existing, each reconstructed, and each new affected source using...	You must...
1. A thermal oxidizer to comply with an emission limit in Table 2 to this subpart.	Maintain the daily average fire box or combustion zone temperature greater than or equal to the reference temperature established during the design evaluation or performance test that demonstrated compliance with the emission limit.
2. A catalytic oxidizer to comply with an emission limit in Table 2 to this subpart.	a. Replace the existing catalyst bed before the age of the bed exceeds the maximum allowable age established during the design evaluation or performance test that demonstrated compliance with the emission limit; AND b. Maintain the daily average temperature at the inlet of the catalyst bed greater than or equal to the reference temperature established during the design evaluation or performance test that demonstrated compliance with the emission limit; AND c. Maintain the daily average temperature difference across the catalyst bed greater than or equal to the minimum temperature difference established during the design evaluation or performance test that demonstrated compliance with the emission limit.
3. An absorber to comply with an emission limit in Table 2 to this subpart.	a. Maintain the daily average concentration level of organic compounds in the absorber exhaust less than or equal to the reference concentration established during the design evaluation or performance test that demonstrated compliance with the emission limit; OR b. Maintain the daily average scrubbing liquid temperature less than or equal to the reference temperature established during the design evaluation or performance test that

For each existing, each reconstructed, and each new affected source using...	You must...
	demonstrated compliance with the emission limit; AND Maintain the difference between the specific gravities of the saturated and fresh scrubbing fluids greater than or equal to the difference established during the design evaluation or performance test that demonstrated compliance with the emission limit.
4. A condenser to comply with an emission limit in Table 2 to this subpart.	a. Maintain the daily average concentration level of organic compounds at the condenser exit less than or equal to the reference concentration established during the design evaluation or performance test that demonstrated compliance with the emission limit; OR b. Maintain the daily average condenser exit temperature less than or equal to the reference temperature established during the design evaluation or performance test that demonstrated compliance with the emission limit.
5. An adsorption system with adsorbent regeneration to comply with an emission limit in Table 2 to this subpart.	a. Maintain the daily average concentration level of organic compounds in the adsorber exhaust less than or equal to the reference concentration established during the design evaluation or performance test that demonstrated compliance with the emission limit; OR b. Maintain the total regeneration stream mass flow during the adsorption bed regeneration cycle greater than or equal to the reference stream mass flow established during the design evaluation or performance test that demonstrated compliance with the emission limit; AND Before the adsorption cycle commences, achieve and maintain the temperature of the adsorption bed after regeneration less than or equal to the reference temperature established during the design evaluation or performance test that demonstrated compliance with the emission limit; AND

For each existing, each reconstructed, and each new affected source using...	You must...
	Achieve a pressure reduction during each adsorption bed regeneration cycle greater than or equal to the pressure reduction established during the design evaluation or performance test that demonstrated compliance with the emission limit.
6. An adsorption system without adsorbent regeneration to comply with an emission limit in Table 2 to this subpart.	a. Maintain the daily average concentration level of organic compounds in the adsorber exhaust less than or equal to the reference concentration established during the design evaluation or performance test that demonstrated compliance with the emission limit; OR b. Replace the existing adsorbent in each segment of the bed with an adsorbent that meets the replacement specifications established during the design evaluation or performance test before the age of the adsorbent exceeds the maximum allowable age established during the design evaluation or performance test that demonstrated compliance with the emission limit; AND Maintain the temperature of the adsorption bed less than or equal to the reference temperature established during the design evaluation or performance test that demonstrated compliance with the emission limit.
7. A flare to comply with an emission limit in Table 2 to this subpart.	a. Comply with the equipment and operating requirements in §63.987(a); AND b. Conduct an initial flare compliance assessment in accordance with §63.987(b); AND c. Install and operate monitoring equipment as specified in §63.987(c).
8. Another type of control device to comply with an emission limit in Table 2 to this subpart.	Submit a monitoring plan as specified in §§63.995(c) and 63.2366(b), and monitor the control device in accordance with that plan.

Table 4 to Subpart EEEE of Part 63--Work Practice Standards

As stated in §63.2346, you may elect to comply with one of the work practice standards for existing, reconstructed, or new affected sources in the following table. If you elect to do so:

For each...	You must...
1. Storage tank at an existing, reconstructed, or new affected source meeting any set of tank capacity and organic HAP vapor pressure criteria specified in Table 2 to this subpart, items 1 through 5.	a. Comply with the requirements of 40 CFR part 63, subpart WW (control level 2), if you elect to meet 40 CFR part 63, subpart WW (control level 2) requirements as an alternative to the emission limit in Table 2 to this subpart, items 1 through 5; OR b. Comply with the requirements of §63.984 for routing emissions to a fuel gas system or back to a process; OR c. Comply with the requirements of §63.2346(a)(4) for vapor balancing emissions to the transport vehicle from which the storage tank is filled.
2. Storage tank at an existing, reconstructed, or new affected source meeting any set of tank capacity and organic HAP vapor pressure criteria specified in Table 2 to this subpart, item 6.	a. Comply with the requirements of §63.984 for routing emissions to a fuel gas system or back to a process; OR b. Comply with the requirements of §63.2346(a)(4) for vapor balancing emissions to the transport vehicle from which the storage tank is filled.
3. Transfer rack subject to control based on the criteria specified in Table 2 to this subpart, items 7 through 10, at an existing, reconstructed, or new affected source.	a. If the option of a vapor balancing system is selected, install and, during the loading of organic liquids, operate a system that meets the requirements in Table 7 to this subpart, item 3.b.i and item 3.b.ii, as applicable; OR b. Comply with the requirements of §63.984 during the loading of organic liquids, for routing emissions to a fuel gas system or back to a process.
4. Pump, valve, and sampling connection systems that operates in organic liquids service at least 300 hours per year at an existing, reconstructed, or new affected source.	Comply with the requirements for pumps, valves, and sampling connection systems in 40 CFR part 63, subpart TT (control level 1), subpart UU (control level 2), or subpart H.
5. Transport vehicles equipped with vapor collection equipment that are loaded at transfer racks that are subject to control based on the criteria	Follow the steps in 40 CFR 60.502(e) to ensure that organic liquids are loaded only into vapor-tight transport vehicles, and comply with the provisions in 40 CFR

For each...	You must...
specified in Table 2 to this subpart, items 7 through 10.	60.502(f), (g), (h), and (i), except substitute the term transport vehicle at each occurrence of tank truck or gasoline tank truck in those paragraphs.
6. Transport vehicles equipped without vapor collection equipment that are loaded at transfer racks that are subject to control based on the criteria specified in Table 2 to this subpart, items 7 through 10.	Ensure that organic liquids are loaded only into transport vehicles that have a current certification in accordance with the U.S. DOT pressure test requirements in 49 CFR 180 (cargo tanks) or 49 CFR 173.31 (tank cars).

Table 5 to Subpart EEEE of Part 63--Requirements for Performance Tests and Design Evaluations

As stated in §63.2354(a) and §63.2362, you must comply with the requirements for performance tests and design evaluations for existing, reconstructed, or new affected sources as follows:

For...	You must conduct...	According to...	Using...	To determine...	According to the following requirements...
1. Each existing, each reconstructed, and each new affected source using a nonflare control device to comply with an emission limit in Table 2 to this subpart, items 1 through 10.	a. A performance test to determine the organic HAP (or, upon approval, TOC) control efficiency of each nonflare control device, OR the exhaust concentration of each combustion device; OR	i. §63.985(b)(1)(ii), §63.988(b), §63.990(b), or §63.995(b).	(1) EPA Method 1 or 1A in appendix A of 40 CFR part 60, as appro-priate.	(A) Sampling port locations and the required number of traverse points.	(i) Sampling sites must be located at the inlet and outlet of each control device if complying with the control efficiency requirement or at the outlet of the control device if complying with the exhaust concentration requirement; and (ii) The outlet sampling site must be located at each control device prior to any releases to the atmosphere.
			(2) EPA Method 2, 2A, 2C, 2D, 2F, or 2G in appendix A of 40 CFR part 60, as appro-priate.	(A) Stack gas velocity and volu-metric flow rate.	See the requirements in items 1.a.i.(1)(A)(i) and (ii) of this table.

For...	You must conduct...	According to...	Using...	To determine...	According to the following requirements...
			(3) EPA Method 3 or 3B in appendix A of 40 CFR part 60, as appro-priate.	(A) Concen-tration of CO_2 and O_2 and dry molecular weight of the stack gas.	See the requirements in items 1.a.i.(1)(A)(i) and (ii) of this table.
			(4) EPA Method 4 in appendix A of 40 CFR part 60.	(A) Moisture content of the stack gas.	See the requirements in items 1.a.i.(1)(A)(i) and (ii) of this table.
			(5) EPA Method 18, 25, or 25A in appendix A of 40 CFR part 60, as appro-priate, or EPA Method 316 in appendix A of 40 CFR measuring formaldehyde.	(A) Total organic HAP (or, upon approval, TOC), or formaldehyde emissions.	(i) The organic HAP used for the calibration gas for EPA Method 25A must be the single organic HAP representing the largest percent by volume of emissions; AND (ii) During the performance test, you must establish the operating parameter limits within which total organic HAP (or, upon approval, TOC) emissions are reduced by the required weight-percent or, as an option for nonflare combustion

For...	You must conduct...	According to...	Using...	To determine...	According to the following requirements...
	b. A design evaluation (for nonflare control devices) to determine the organic HAP (or, upon approval, TOC) control efficiency of each nonflare control device, or the exhaust concentration of each combustion control device.	§63.985(b)(1)(i).			devices, to 20 ppmv exhaust concentration. During a design evaluation, you must establish the operating parameter limits within which total organic HAP, (or, upon approval, TOC) emissions are reduced by at least 95 weight-percent for storage tanks or 98 weight-percent for transfer racks, or, as an option for nonflare combustion devices, to 20 ppmv exhaust concentration.
2. Each transport vehicle that you own that is equipped with vapor collection equipment and is loaded with organic liquids at a transfer rack that is subject to control based on the criteria specified	A performance test to determine the vapor tightness of the tank and then repair as needed until it passes the test.		EPA Method 27 in appendix A of 40 CFR part 60.	Vapor tight-ness.	The pressure change in the tank must be no more than 250 pascals (1 inch of water) in 5 minutes after it is pressurized to 4,500 pascals (18 inches of water).

For...	You must conduct...	According to...	Using...	To determine...	According to the following requirements...
in Table 2 to this subpart, items 7 through 10, at an existing, reconstructed, or new affected source.					

Table 6 to Subpart EEEE of Part 63--Initial Compliance With Emission Limits

As stated in §63.2370(a) and §63.2382(b), you must show initial compliance with the emission limits for existing, reconstructed, or new affected sources as follows:

For each ...	For the following emission limit...	You have demonstrated initial compliance if...
1. Storage tank at an existing, reconstructed, or new affected source meeting either set of tank capacity and liquid organic HAP vapor pressure criteria specified in Table 2 to this subpart, items 1 through 6.	Reduce total organic HAP (or, upon approval, TOC) emissions by at least 95 weight-percent, or as an option for combustion devices to an exhaust concentration of ≤20 ppmv.	Total organic HAP (or, upon approval, TOC) emissions, based on the results of the performance testing or design evaluation specified in Table 5 to this subpart, item 1.a or 1.b, respectively, are reduced by at least 95 weight-percent or as an option for nonflare combustion devices to an exhaust concentration ≤20 ppmv.
2. Transfer rack that is subject to control based on the criteria specified in Table 2 to this subpart, items 7 through 10, at an existing, reconstructed, or new affected source.	Reduce total organic HAP (or, upon approval, TOC) emissions from the loading of organic liquids by at least 98 weight-percent, or as an option for nonflare combustion devices to an exhaust concentration of ≤20 ppmv.	Total organic HAP (or, upon approval, TOC) emissions from the loading of organic liquids, based on the results of the performance testing or design evaluation specified in Table 5 to this subpart, item 1.a or 1.b, respectively, are reduced by at least 98 weight-percent or as an option for nonflare combustion devices to an exhaust concentration of ≤20 ppmv.

Table 7 to Subpart EEEE of Part 63 – Initial Compliance with Work Practice Standards

For each...	If you...	You have demonstrated initial compliance if...
1. Storage tank at an existing affected source meeting either set of tank capacity and liquid organic HAP vapor pressure criteria specified in Table 2 to this subpart, items 1 or 2.	a. Install a floating roof or equivalent control that meets the requirements in Table 4 to this subpart, item 1.a.	i. After emptying and degassing, you visually inspect each internal floating roof before the refilling of the storage tank and perform seal gap inspections of the primary and secondary rim seals of each external floating roof within 90 days after the refilling of the storage tank.
	b. Route emissions to a fuel gas system or back to a process.	i. You meet the requirements in §63.984(b) and submit the statement of connection required by §63.984(c).
	c. Install and, during the filling of the storage tank with organic liquids, operate a vapor balancing system.	i. You meet the requirements in §63.2346(a)(4)
2. Storage tank at a reconstructed or new affected source meeting any set of tank capacity and liquid organic HAP vapor pressure criteria specified in Table 2 to this subpart, items 3 through 5.	a. Install a floating roof or equivalent control that meets the requirements in Table 4 to this subpart, item 1.a.	i. You visually inspect each internal floating roof before the initial filling of the storage tank, and perform seal gap inspections of the primary and secondary rim seals of each external floating roof within 90 days after the initial filling of the storage tank.
	b. Route emissions to a fuel gas system or back to a process.	i. See item 1.b.i of this table.
	c. Install and, during the filling of the storage tank with organic liquids, operate a vapor balancing system.	i. See item 1.c.i of this table.

For each...	If you...	You have demonstrated initial compliance if...
3. Transfer rack that is subject to control based on the criteria specified in Table 2 to this subpart, items 7 through 10, at an existing, reconstructed, or new affected source.	a. Load organic liquids only into transport vehicles having current vapor tightness certification as described in Table 4 to this subpart, item 5 and item 6.	i. You comply with the provisions specified in Table 4 to this subpart, item 5 or item 6, as applicable.
	b. Install and, during the loading of organic liquids, operate a vapor balancing system.	i. You design and operate the vapor balancing system to route organic HAP vapors displaced from loading of organic liquids into transport vehicles to the storage tank from which the liquid being loaded originated or to another storage tank connected to a common header. ii. You design and operate the vapor balancing system to route organic HAP vapors displaced from loading of organic liquids into containers directly (e.g., no intervening tank or containment area such as a room) to the storage tank from which the liquid being loaded originated or to another storage tank connected to a common header.
	c. Route emissions to a fuel gas system or back to a process.	i. See item 1.b.i of this table.
4. Equipment leak component, as defined in §63.2406, that operates in organic liquids service ≥300 hours per year at an existing, reconstructed, or new affected source.	a. Carry out a leak detection and repair program or equivalent control according to one of the subparts listed in Table 4 to this subpart, item 4.a.	i. You specify which one of the control programs listed in Table 4 to this subpart you have selected, or ii. Provide written specifications for your equivalent control approach.

Table 8 to Subpart EEEE of Part 63--Continuous Compliance with Emission Limits

As stated in §§63.2378(a) and (b) and §63.2390(b), you must show continuous compliance with the emission limits for existing, reconstructed, or new affected sources according to the following table:

For each ...	For the following emission limit...	You must demonstrate continuous compliance by...
1. Storage tank at an existing, reconstructed, or new affected source meeting any set of tank capacity and liquid organic HAP vapor pressure criteria specified in Table 2 to this subpart, items 1 through 6.	a. Reduce total organic HAP (or, upon approval, TOC) emissions from the closed vent system and control device by 95 weight-percent or greater, or as an option to 20 ppmv or less of total organic HAP (or, upon approval, TOC) in the exhaust of combustion devices.	i. Performing CMS monitoring and collecting data according to §§63.2366, 63.2374, and 63.2378; AND ii. Maintaining the operating limits established during the design evaluation or performance test that demonstrated compliance with the emission limit.
2. Transfer rack that is subject to control based on the criteria specified in Table 2 to this subpart, items 7 through 10, at an existing, reconstructed, or new affected source.	a. Reduce total organic HAP (or, upon approval, TOC) emissions during the loading of organic liquids from the closed vent system and control device by 98 weight-percent or greater, or as an option to 20 ppmv or less of total organic HAP (or, upon approval, TOC) in the exhaust of combustion devices.	i. Performing CMS monitoring and collecting data according to §§63.2366, 63.2374, and 63.2378 during the loading of organic liquids; AND ii. Maintaining the operating limits established during the design evaluation or performance test that demonstrated compliance with the emission limit during the loading of organic liquids.

Table 9 to Subpart EEEE of Part 63--Continuous Compliance with Operating Limits - High Throughput Transfer Racks

As stated in §§63.2378(a) and (b) and §63.2390(b), you must show continuous compliance with the operating limits for existing, reconstructed, or new affected sources according to the following table:

For each existing, reconstructed, and each new affected source using ...	For the following operating limit...	You must demonstrate continuous compliance by...
1. A thermal oxidizer to comply with an emission limit in Table 2 to this subpart.	a. Maintain the daily average fire box or combustion zone, as applicable, temperature greater than or equal to the reference temperature established during the design evaluation or performance test that demonstrated compliance with the emission limit.	i. Continuously monitoring and recording fire box or combustion zone, as applicable, temperature every 15 minutes and maintaining the daily average fire box temperature greater than or equal to the reference temperature established during the design evaluation or performance test that demonstrated compliance with the emission limit; AND ii. keeping the applicable records required in §63.998.
2. A catalytic oxidizer to comply with an emission limit in Table 2 to this subpart.	a. Replace the existing catalyst bed before the age of the bed exceeds the maximum allowable age established during the design evaluation or performance test that demonstrated compliance with the emission limit; AND	i. Replacing the existing catalyst bed before the age of the bed exceeds the maximum allowable age established during the design evaluation or performance test that demonstrated compliance with the emission limit; AND ii. Keeping the applicable records required in §63.998.
	b. Maintain the daily average temperature at the inlet of the catalyst bed greater than or equal to the reference temperature established during the design evaluation or performance test that demonstrated compliance with the emission limit; AND	i. Continuously monitoring and recording the temperature at the inlet of the catalyst bed at least every 15 minutes and maintaining the daily average temperature at the inlet of the catalyst bed greater than or equal to the reference temperature established during the design evaluation or performance test that demonstrated compliance with the emission limit; AND

For each existing, reconstructed, and each new affected source using ...	For the following operating limit...	You must demonstrate continuous compliance by...
		ii. Keeping the applicable records required in §63.998.
	c. Maintain the daily average temperature difference across the catalyst bed greater than or equal to the minimum temperature difference established during the design evaluation or performance test that demonstrated compliance with the emission limit.	i. Continuously monitoring and recording the temperature at the outlet of the catalyst bed every 15 minutes and maintaining the daily average temperature difference across the catalyst bed greater than or equal to the minimum temperature difference established during the design evaluation or performance test that demonstrated compliance with the emission limit; AND ii. Keeping the applicable records required in §63.998.
3. An absorber to comply with an emission limit in Table 2 to this subpart.	a. Maintain the daily average concentration level of organic compounds in the absorber exhaust less than or equal to the reference concentration established during the design evaluation or performance test that demonstrated compliance with the emission limit; OR	i. Continuously monitoring the organic concentration in the absorber exhaust and maintaining the daily average concentration less than or equal to the reference concentration established during the design evaluation or performance test that demonstrated compliance with the emission limit; AND ii. Keeping the applicable records required in §63.998.
	b. Maintain the daily average scrubbing liquid temperature less than or equal to the reference temperature established during the design evaluation or performance test that demonstrated compliance with the emission limit; AND Maintain the difference between the specific gravities of the saturated and fresh scrubbing fluids greater than or equal to the difference established during the design evaluation or performance test that demonstrated	i. Continuously monitoring the scrubbing liquid temperature and maintaining the daily average temperature less than or equal to the reference temperature established during the design evaluation or performance test that demonstrated compliance with the emission limit; AND ii. Maintaining the difference between the specific gravities greater than or equal to the difference established during the design evaluation or performance test that demonstrated compliance with the

For each existing, reconstructed, and each new affected source using ...	For the following operating limit...	You must demonstrate continuous compliance by...
	compliance with the emission limit.	emission limit; AND iii. Keeping the applicable records required in §63.998.
4. A condenser to comply with an emission limit in Table 2 to this subpart.	a. Maintain the daily average concentration level of organic compounds at the exit of the condenser less than or equal to the reference concentration established during the design evaluation or performance test that demonstrated compliance with the emission limit; OR	i. Continuously monitoring the organic concentration at the condenser exit and maintaining the daily average concentration less than or equal to the reference concentration established during the design evaluation or performance test that demonstrated compliance with the emission limit; AND ii. Keeping the applicable records required in §63.998.
	b. Maintain the daily average condenser exit temperature less than or equal to the reference temperature established during the design evaluation or performance test that demonstrated compliance with the emission limit.	i. Continuously monitoring and recording the temperature at the exit of the condenser at least every 15 minutes and maintaining the daily average temperature less than or equal to the reference temperature established during the design evaluation or performance test that demonstrated compliance with the emission limit; AND ii. Keeping the applicable records required in §63.998.
5. An adsorption system with adsorbent regeneration to comply with an emission limit in Table 2 to this subpart.	a. Maintain the daily average concentration level of organic compounds in the adsorber exhaust less than or equal to the reference concentration established during the design evaluation or performance test that demonstrated compliance with the emission limit; OR	i. Continuously monitoring the daily average organic concentration in the adsorber exhaust and maintaining the concentration less than or equal to the reference concentration established during the design evaluation or performance test that demonstrated compliance with the emission limit; AND ii. Keeping the applicable records required in §63.998.
	b. Maintain the total regeneration stream mass flow during the	i. Maintaining the total regeneration stream mass flow during the

For each existing, reconstructed, and each new affected source using ...	For the following operating limit...	You must demonstrate continuous compliance by...
	adsorption bed regeneration cycle greater than or equal to the reference stream mass flow established during the design evaluation or performance test that demonstrated compliance with the emission limit; AND Before the adsorption cycle commences, achieve and maintain the temperature of the adsorption bed after regeneration less than or equal to the reference temperature established during the design evaluation or performance test; AND Achieve greater than or equal to the pressure reduction during the adsorption bed regeneration cycle established during the design evaluation or performance test that demonstrated compliance with the emission limit.	adsorption bed regeneration cycle greater than or equal to the reference stream mass flow established during the design evaluation or performance test that demonstrated compliance with the emission limit; AND ii. Maintaining the temperature of the adsorption bed after regeneration less than or equal to the reference temperature established during the design evaluation or performance test that demonstrated compliance with the emission limit; and iii. Achieving greater than or equal to the pressure reduction during the regeneration cycle established during the design evaluation or performance test that demonstrated compliance with the emission limit; AND iv. Keeping the applicable records required in §63.998.
6. An adsorption system without adsorbent regeneration to comply with an emission limit in Table 2 to this subpart.	a. Maintain the daily average concentration level of organic compounds in the adsorber exhaust less than or equal to the reference concentration established during the design evaluation or performance test that demonstrated compliance with the emission limit; OR	i. Continuously monitoring the organic concentration in the adsorber exhaust and maintaining the concentration less than or equal to the reference concentration established during the design evaluation or performance test that demonstrated compliance with the emission limit; and ii. Keeping the applicable records required in §63.998.
	b. Replace the existing adsorbent in each segment of the bed before the age of the adsorbent exceeds the maximum allowable age established during the design evaluation or performance test that demonstrated compliance	i. Replacing the existing adsorbent in each segment of the bed with an adsorbent that meets the replacement specifications established during the design evaluation or performance test before the age of the adsorbent exceeds the maximum allowable age

For each existing, reconstructed, and each new affected source using ...	For the following operating limit...	You must demonstrate continuous compliance by...
	with the emission limit; AND Maintain the temperature of the adsorption bed less than or equal to the reference temperature established during the design evaluation or performance test that demonstrated compliance with the emission limit.	established during the design evaluation or performance test that demonstrated compliance with the emission limit; AND ii. Maintaining the temperature of the adsorption bed less than or equal to the reference temperature established during the design evaluation or performance test that demonstrated compliance with the emission limit; AND iii. Keeping the applicable records required in §63.998.
7. A flare to comply with an emission limit in Table 2 to this subpart.	a. Maintain a pilot flame in the flare at all times that vapors may be vented to the flare (§63.11(b)(5)); AND	i. Continuously operating a device that detects the presence of the pilot flame; AND ii. Keeping the applicable records required in §63.998.
	b. Maintain a flare flame at all times that vapors are being vented to the flare (§63.11(b)(5)); AND	i. Maintaining a flare flame at all times that vapors are being vented to the flare; AND ii. Keeping the applicable records required in §63.998.
	c. Operate the flare with no visible emissions, except for up to 5 minutes in any 2 consecutive hours (§63.11(b)(4)); AND	i. Operating the flare with no visible emissions exceeding the amount allowed; AND ii. Keeping the applicable records required in §63.998.
	EITHER d.1. Operate the flare with an exit velocity that is within the applicable limits in §63.11(b)(7) and (8) and with a net heating value of the gas being combusted greater than the applicable minimum value in §63.11(b)(6)(ii); OR	i. Operating the flare within the applicable exit velocity limits; and ii. Operating the flare with the gas heating value greater than the applicable minimum value; AND iii. Keeping the applicable records required in §63.998.
	d.2. Adhere to the requirements in §63.11(b)(6)(i).	i. Operating the flare within the applicable limits in 63.11(b)(6)(i); AND ii. Keeping the applicable records required in §63.998.

For each existing, reconstructed, and each new affected source using ...	For the following operating limit...	You must demonstrate continuous compliance by...
	e. Operate the flare with a net heating value of the gas being combusted greater than the applicable minimum value in §63.11(b)(6)(ii).	i Operating the flare with the gas net heating value within the applicable limit; AND ii. keeping the applicable records required in §63.998.
8. Another type of control device to comply with an emission limit in Table 2 to this subpart.	Submit a monitoring plan as specified in §§63.995(c) and 63.2366(c), and monitor the control device in accordance with that plan.	Submitting a monitoring plan and monitoring the control device according to that plan.

Table 10 to Subpart EEEE of Part 63--Continuous Compliance with Work Practice Standards

As stated in §§63.2378(a) and (b) and §63.2386(c)(6), you must show continuous compliance with the work practice standards for existing, reconstructed, or new affected sources according to the following table:

For each...	For the following standard...	You must demonstrate continuous compliance by...
1. Internal floating roof (IFR) storage tank at an existing, reconstructed, or new affected source meeting any set of tank capacity, and vapor pressure criteria specified in Table 2 to this subpart, items 1 through 5.	a. Install a floating roof designed and operated according to the applicable specifications in §63.1063(a) and (b).	i. Visually inspecting the floating roof deck, deck fittings, and rim seals of each IFR once per year (§63.1063(d)(2)); AND ii. Visually inspecting the floating roof deck, deck fittings, and rim seals of each IFR either each time the storage tank is completely emptied and degassed or every 10 years, whichever occurs first (§63.1063(c)(1), (d)(1), and (e)); AND iii. Keeping the tank records required in §63.1065.
2. External floating roof (EFR) storage tank at an existing, reconstructed, or new affected source meeting any set of tank capacity and vapor pressure criteria specified in Table 2 to this subpart, items 1 through 5.	a. Install a floating roof designed and operated according to the applicable specifications in §63.1063(a) and (b).	i. Visually inspecting the floating roof deck, deck fittings, and rim seals of each EFR either each time the storage tank is completely emptied and degassed or every 10 years, whichever occurs first (§63.1063(c)(2), (d), and (e)); AND ii. Performing seal gap measurements on the secondary seal of each EFR at least once every year, and on the primary seal of each EFR at least every 5 years (§63.1063(c)(2), (d), and (e)); AND iii. Keeping the tank records required in §63.1065.
3. IFR or EFR tank at an existing, reconstructed, or new affected source meeting any set of tank capacity, and vapor pressure criteria specified in Table 2 to this subpart, items 1 through 5.	a. Repair the conditions causing storage tank inspection failures (§63.1063(e)).	i. Repairing conditions causing inspection failures: before refilling the storage tank with organic liquid, or within 45 days (or up to 105 days with extensions) for a tank containing organic liquid; AND ii. Keeping the tank records required in §63.1065(b).
4. Transfer rack that is subject to control	a. Ensure that organic liquids are loaded	i. Ensuring that organic liquids are loaded into transport vehicles in accordance with

For each...	For the following standard...	You must demonstrate continuous compliance by...
based on the criteria specified in Table 2 to this subpart, items 7 through 10, at an existing, recon-structed, or new affected source.	into transport vehicles in accordance with the requirements in Table 4 to this subpart, items 5 or 6, as applicable.	the requirements in Table 4 to this subpart, items 5 or 6, as applicable.
	b. Install and, during the loading of organic liquids, operate a vapor balancing system.	i. Monitoring each potential source of vapor leakage in the system quarterly during the loading of a transport vehicle or the filling of a container using the methods and procedures described in the rule requirements selected for the work practice standard for equipment leak components as specified in Table 4 to this subpart, item 4. An instrument reading of 500 ppmv defines a leak. Repair of leaks is performed according to the repair requirements specified in your selected equipment leak standards.
	c. Route emissions to a fuel gas system or back to a process.	i. Continuing to meet the requirements specified in §63.984(b).
5. Equipment leak component, as defined in §63.2406, that operates in organic liquids service at least 300 hours per year.	a. Comply with the requirements of 40 CFR part 63, subpart TT, UU, or H.	i. Carrying out a leak detection and repair program in accordance with the subpart selected from the list in item 5.a of this table.
6. Storage tank at an existing, recon-structed, or new affected source meeting any of the tank capacity and vapor pressure criteria specified in Table 2 to this subpart, items 1 through 6.	a. Route emissions to a fuel gas system or back to the process.	i. Continuing to meet the requirements specified in §63.984(b).
	b. Install and, during the filling of the storage tank with organic liquids, operate a vapor balancing system.	i. Monitoring each potential source of vapor leakage in the system quarterly during the loading of a transport vehicle or the filling of a container using the methods and procedures described in the rule requirements selected for the work practice standard for equipment leak components as

For each...	For the following standard...	You must demonstrate continuous compliance by...
		specified in Table 4 to this subpart, item 4. An instrument reading of 500 ppmv defines a leak. Repair of leaks is performed according to the repair requirements specified in your selected equipment leak standards.

Table 11 to Subpart EEEE of Part 63--Requirements for Reports

As stated in §63.2386(a) and (b), you must submit compliance reports and startup, shutdown, and malfunction reports according to the following table:

You must submit a(n)...	The report must contain...	You must submit the report...
1. Compliance report or Periodic Report.	a. The information specified in §63.2386(c), (d), (e). If you had a SSM during the reporting period and you took actions consistent with your SSM plan, the report must also include the information in §63.10(d)(5)(i); AND	Semiannually, and it must be postmarked by January 31 or July 31, in accordance with §63.2386(b).
	b. The information required by 40 CFR part 63, subpart TT, UU, or H, as applicable, for pumps, valves, and sampling connection systems; AND	See the submission requirement in item 1.a of this table.
	c. The information required by §63.999(c); AND	See the submission requirement in item 1.a of this table.
	d. The information specified in §63.1066(b) including: notification of inspection, inspection results, requests for alternate devices, and requests for extensions, as applicable.	See the submission requirement in item 1.a. of this table.
2. Immediate SSM report if you had a SSM that resulted in an applicable emission standard in the relevant standard being exceeded, and you took an action that was not consistent with your SSM plan.	a. The information required in §63.10(d)(5)(ii).	i. By letter within 7 working days after the end of the event unless you have made alternative arrangements with the permitting authority (§63.10(d)(5)(ii)).

Table 12 to Subpart EEEE of Part 63 – Applicability of General Provisions to Subpart EEEE

As stated in §§63.2382 and §63.2398, you must comply with the applicable General Provisions requirements as follows:

Citation	Subject	Brief Description	Applies to Subpart EEEE
§63.1	Applicability	Initial applicability determination; Applicability after standard established; Permit requirements; Extensions, Notifications	Yes
§63.2	Definitions	Definitions for part 63 standards	Yes
§63.3	Units and Abbreviations	Units and abbreviations for part 63 standards	Yes
§63.4	Prohibited Activities and Circumvention	Prohibited activities; Circumvention, Severability	Yes
§63.5	Construction/ Reconstruction	Applicability; Applications; Approvals	Yes
§63.6(a)	Compliance with Standards/ O&M-Applicability	GP apply unless compliance extension; GP apply to area sources that become major	Yes
§63.6(b)(1)-(4)	Compliance Dates for New and Reconstructed Sources	Standards apply at effective date; 3 years after effective date; upon startup; 10 years after construction or reconstruction commences for section 112(f)	Yes
§63.6(b)(5)	Notification	Must notify if commenced construction or reconstruction after proposal	Yes
§63.6(b)(6)	[Reserved]		
§63.6(b)(7)	Compliance Dates for New and Reconstructed Area Sources	Area sources that become major must comply with major source standards immediately upon becoming major, regardless of whether required to comply when they were an area source	Yes

Citation	Subject	Brief Description	Applies to Subpart EEEE
	that Become Major		
§63.6(c)(1)-(2)	Compliance Dates for Existing Sources	Comply according to date in this subpart, which must be no later than 3 years after effective date; for section 112(f) standards, comply within 90 days of effective date unless compliance extension	Yes
§63.6(c)(3)-(4)	[Reserved]		
§63.6(c)(5)	Compliance Dates for Existing Area Sources that Become Major	Area sources that become major must comply with major source standards by date indicated in this subpart or by equivalent time period (e.g., 3 years)	Yes
§63.6(d)	[Reserved]		
§63.6(e)(1)	Operation & Maintenance	Operate to minimize emissions at all times; correct malfunctions as soon as practicable; and operation and maintenance requirements independently enforceable; information Administrator will use to determine if operation and maintenance requirements were met	Yes
§63.6(e)(2)	[Reserved]		
§63.6(e)(3)	SSM Plan	Requirement for SSM plan; content of SSM plan; actions during SSM	Yes; however, (1) the 2-day reporting requirement in paragraph §63.6(e)(3)(iv) does not apply and (2) §63.6(e)(3) does not apply to emissions sources not requiring control.

Citation	Subject	Brief Description	Applies to Subpart EEEE
§63.6(f)(1)	Compliance Except During SSM	You must comply with emission standards at all times except during SSM	Yes
§63.6(f)(2)-(3)	Methods for Determining Compliance	Compliance based on performance test, operation and maintenance plans, records, inspection	Yes
§63.6(g)(1)-(3)	Alternative Standard	Procedures for getting an alternative standard	Yes
§63.6(h)	Opacity/ Visible Emission Standards	Requirements for compliance with opacity and visible emission standards.	No; except as it applies to flares for which Method 22 observations are required as part of a flare compliance assessment.
§63.6(i)(1)-(14)	Compliance Extension	Procedures and criteria for Administrator to grant compliance extension	Yes
§63.6(j)	Presidential Compliance Exemption	President may exempt any source from requirement to comply with this subpart	Yes
§63.7(a)(2)	Performance Test Dates	Dates for conducting initial performance testing; must conduct 180 days after compliance date	Yes
§63.7(a)(3)	Section 114 Authority	Administrator may require a performance test under CAA section 114 at any time	Yes
§63.7(b)(1)	Notification of Performance Test	Must notify Administrator 60 days before the test	Yes
§63.7(b)(2)	Notification of Re-scheduling	If have to reschedule performance test, must notify Administrator of rescheduled date as soon as practicable and without delay	Yes
§63.7(c)	Quality	Requirement to submit site-specific test	Yes

Citation	Subject	Brief Description	Applies to Subpart EEEE
	Assurance (QA)/ Test Plan	plan 60 days before the test or on date Administrator agrees with; test plan approval procedures; performance audit requirements; internal and external QA procedures for testing	
§63.7(d)	Testing Facilities	Requirements for testing facilities	Yes
§63.7(e)(1)	Conditions for Conducting Performance Tests	Performance tests must be conducted under representative conditions; cannot conduct performance tests during SSM	Yes
§63.7(e)(2)	Conditions for Conducting Performance Tests	Must conduct according to this subpart and EPA test methods unless Administrator approves alternative	Yes
§63.7(e)(3)	Test Run Duration	Must have three test runs of at least 1 hour each; compliance is based on arithmetic mean of three runs; conditions when data from an additional test run can be used	Yes; however, for transfer racks per §§63.987 (b)(3)(i)(A)-(B) and 63.997(e)(1)(v)(A)-(B) provide exceptions to the requirement for test runs to be at least 1 hour each
§63.7(f)	Alternative Test Method	Procedures by which Administrator can grant approval to use an intermediate or major change, or alternative to a test method	Yes
§63.7(g)	Performance Test Data Analysis	Must include raw data in performance test report; must submit performance test data 60 days after end of test with the Notification of Compliance Status; keep data for 5 years.	Yes; however, performance test data is to be submitted with the Notification of Compliance Status according

Citation	Subject	Brief Description	Applies to Subpart EEEE
			to the schedule specified in §63.9(h) (1)-(6) below.
§63.7(h)	Waiver of Tests	Procedures for Administrator to waive performance test	Yes
§63.8(a) (1)	Applicability of Monitoring Requirements	Subject to all monitoring requirements in standard	Yes
§63.8(a) (2)	Performance Specifications	Performance Specifications in appendix B of 40 CFR part 60 apply	Yes
§63.8(a) (3)	[Reserved]		
§63.8(a) (4)	Monitoring of Flares	Monitoring requirements for flares in §63.11 apply	Yes; however, monitoring requirements in §63.987(c) also apply
§63.8(b) (1)	Monitoring	Must conduct monitoring according to standard unless Administrator approves alternative	Yes
§63.8(b) (2)-(3)	Multiple Effluents and Multiple Monitoring Systems	Specific requirements for installing monitoring systems; must install on each affected source or after combined with another affected source before it is released to the atmosphere provided the monitoring is sufficient to demonstrate compliance with the standard; if more than one monitoring system on an emission point, must report all monitoring system results, unless one monitoring system is a backup	Yes
§63.8(c) (1)	Monitoring System Operation and Maintenance	Maintain monitoring system in a manner consistent with good air pollution control practices	Yes
§63.8(c)	Routine and	Follow the SSM plan for routine	Yes

Citation	Subject	Brief Description	Applies to Subpart EEEE
(1)(i)-(iii)	Predictable SSM	repairs; keep parts for routine repairs readily available; reporting requirements for SSM when action is described in SSM plan	
§63.8(c) (2)-(3)	Monitoring System Installation	Must install to get representative emission or parameter measurements; must verify operational status before or at performance test	Yes
§63.8(c) (4)	CMS Requirements	CMS must be operating except during breakdown, out-of control, repair, maintenance, and high-level calibration drifts; COMS must have a minimum of one cycle of sampling and analysis for each successive 10-second period and one cycle of data recording for each successive 6-minute period; CEMS must have a minimum of one cycle of operation for each successive 15-minute period	Yes; however, COMS are not applicable.
§63.8(c) (5)	COMS Minimum Procedures	COMS minimum procedures	No
§63.8(c) (6)-(8)	CMS Requirements	Zero and high level calibration check requirements. Out-of-control periods.	Yes, but only applies for CEMS. 40 CFR part 63, subpart SS provides requirements for CPMS.
§63.8(d)	CMS Quality Control	Requirements for CMS quality control, including calibration, etc.; must keep quality control plan on record for 5 years; keep old versions for 5 years after revisions.	Yes, but only applies for CEMS. 40 CFR part 63, subpart SS provides requirements for CPMS.
§63.8(e)	CMS Performance Evaluation.	Notification, performance evaluation test plan, reports.	Yes, but only applies for CEMS.
§63.8(f) (1)-(5)	Alternative Monitoring	Procedures for Administrator to approve alternative monitoring.	Yes, but 40 CFR part 63,

Citation	Subject	Brief Description	Applies to Subpart EEEE
	Method.		subpart SS also provides procedures for approval of CPMS.
§63.8(f)(6)	Alternative to Relative Accuracy Test	Procedures for Administrator to approve alternative relative accuracy tests for CEMS	Yes
§63.8(g)	Data Reduction	COMS 6-minute averages calculated over at least 36 evenly spaced data points; CEMS 1 hour averages computed over at least 4 equally spaced data points; data that cannot be used in average	Yes; however, COMS are not applicable.
§63.9(a)	Notification Requirements	Applicability and State delegation	Yes
§63.9(b)(1)-(2), (4)-(5)	Initial Notifications	Submit notification within 120 days after effective date; notification of intent to construct/ reconstruct, notification of commencement of construction/ reconstruction, notification of startup; contents of each	Yes
§63.9(c)	Request for Compliance Extension	Can request if cannot comply by date or if installed best available control technology or lowest achievable emission rate (BACT/LAER)	Yes
§63.9(d)	Notification of Special Compliance Requirements for New Sources	For sources that commence construction between proposal and promulgation and want to comply 3 years after effective date	Yes
§63.9(e)	Notification of Performance Test	Notify Administrator 60 days prior	Yes
§63.9(f)	Notification of VE/Opacity Test	Notify Administrator 30 days prior	No

Citation	Subject	Brief Description	Applies to Subpart EEEE
§63.9(g)	Additional Notifications When Using CMS	Notification of performance evaluation; notification about use of COMS data; notification that exceeded criterion for relative accuracy alternative	Yes; however, there are no opacity standards.
§63.9(h) (1)-(6)	Notification of Compliance Status	Contents due 60 days after end of performance test or other compliance demonstration, except for opacity/visible emissions, which are due 30 days after; when to submit to Federal vs. State authority.	Yes; however, (1) there are no opacity standards and (2) all initial Notification of Compliance Status, including all performance test data, are to be submitted at the same time, either within 240 days after the compliance date or within 60 days after the last performance test demon-strating compliance has been completed, whichever occurs first.
§63.9(i)	Adjustment of Submittal Deadlines	Procedures for Administrator to approve change in when notifications must be submitted	Yes
§63.9(j)	Change in Previous Information	Must submit within 15 days after the change.	No. These changes will be reported in the first and subsequent compliance reports.

Citation	Subject	Brief Description	Applies to Subpart EEEE
§63.10(a)	Record-keeping/ Reporting	Applies to all, unless compliance extension; when to submit to Federal vs. State authority; procedures for owners of more than one source	Yes
§63.10(b)(1)	Record-keeping/ Reporting	General requirements; keep all records readily available; keep for 5 years	Yes
§63.10(b)(2)(i)-(iv)	Records Related to Startup, Shutdown, and Malfunction	Occurrence of each for operations (process equipment); occurrence of each malfunction of air pollution control equipment; maintenance on air pollution control equipment; actions during SSM.	Yes
§63.10(b)(2)(vi)-(xi)	CMS Records	Malfunctions, inoperative, out-of-control periods	Yes
§63.10(b)(2)(xii)	Records	Records when under waiver	Yes
§63.10(b)(2)(xiii)	Records	Records when using alternative to relative accuracy test	Yes
§63.10(b)(2)(xiv)	Records	All documentation supporting initial notification and notification of compliance status	Yes
§63.10(b)(3)	Records	Applicability determinations	Yes
§63.10(c)	Records	Additional records for CMS	Yes
§63.10(d)(1)	General Reporting Requirements	Requirement to report	Yes
§63.10(d)(2)	Report of Performance Test Results	When to submit to Federal or State authority	Yes
§63.10(d)(3)	Reporting Opacity or VE Observations	What to report and when	Yes
§63.10(d)(4)	Progress Reports	Must submit progress reports on schedule if under compliance extension	Yes
§63.10(d)(5)	SSM Reports	Contents and submission	Yes

Citation	Subject	Brief Description	Applies to Subpart EEEE
§63.10(e)(1)-(2)	Additional CMS Reports	Must report results for each CEMS on a unit; written copy of CMS performance evaluation; 2-3 copies of COMS performance evaluation	Yes; however, COMS are not applicable.
§63.10(e)(3)(i)-(iii)	Reports	Schedule for reporting excess emissions and parameter monitor exceedance (now defined as deviations)	Yes; however, note that the title of the report is the compliance report; deviations include excess emissions and parameter exceedances.

Citation	Subject	Brief Description	Applies to Subpart EEEE
§63.10(e)(3)(iv)-(v)	Excess Emissions Reports	Requirement to revert to quarterly submission if there is an excess emissions or parameter monitoring exceedance (now defined as deviations); provision to request semiannual reporting after compliance for 1 year; submit report by 30th day following end of quarter or calendar half; if there has not been an exceedance or excess emissions (now defined as deviations), report contents in a statement that there have been no deviations; must submit report containing all of the information in §§63.8(c)(7)-(8) and 63.10(c)(5)-(13).	Yes.
§63.10(e)(3)(vi)-(viii)	Excess Emissions Report and Summary Report	Requirements for reporting excess emissions for CMS (now called deviations); requires all of the information in §§63.10(c)(5)-(13) and 63.8(c)(7)-(8)	Yes
§63.10(e)(4)	Reporting COMS Data	Must submit COMS data with performance test data	No
§63.10(f)	Waiver for Record-keeping/ Reporting	Procedures for Administrator to waive	Yes

Citation	Subject	Brief Description	Applies to Subpart EEEE
§63.11(b)	Flares	Requirements for flares	Yes; §63.987 requirements apply, and the section references §63.11(b).
§63.12	Delegation	State authority to enforce standards	Yes
§63.13	Addresses	Addresses where reports, notifications, and requests are sent	Yes
§63.14	Incorporation by Reference	Test methods incorporated by reference	Yes
§63.15	Availability of Information	Public and confidential information	Yes

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