ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 60 and 63

[AD–FRL–5463–1]

RIN 2060–AD9Y

National Emission Standards for Hazardous Air Pollutants: Petroleum Refineries

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correcting amendments.

SUMMARY: This action corrects errors and clarifies regulatory text of the "National Emission Standards for Hazardous Air Pollutants: Petroleum Refineries," which was issued as a final rule on August 18, 1995.

EFFECTIVE DATE: June 12, 1996.

FOR FURTHER INFORMATION CONTACT: Mr. James Durham, Waste and Chemical Processes Group, Emission Standards Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina, 27711, telephone number (919) 541–5672.

SUPPLEMENTARY INFORMATION: On August 18, 1995 (60 FR 43244), the Environmental Protection Agency (EPA) promulgated in the **Federal Register** national emission standards for hazardous air pollutants (NESHAP) for petroleum refineries. These regulations were promulgated as subpart CC of 40 CFR part 63. The same notice amended standards of performance in 40 CFR part 60, subpart VV. This document contains corrections to typographical and cross referencing errors in these subparts. A few editorial clarifications are also being made to clarify the intent of certain provisions and correct inconsistencies between different sections of the rule.

I. Description of Clarifying Changes

A. Compliance Dates

The compliance dates in § 63.640(h) are being clarified to remove an inconsistency regarding the compliance date for marine tank vessels. Section 63.640(h) stated that refineries have 3 years to comply with the NESHAP unless a case-by-case 1-year extension is granted. However, § 63.651 cross references the marine tank vessel loading rule [40 CFR 63, subpart Y (September 19, 1995; FR 43388)] which allows 4 years to comply without requiring a case-by-case extension. Therefore, it was unclear in the rule published on August 18, whether a compliance extension is required to allow marine tank vessel loading operations at refineries 4 years to comply. The intent was to be consistent with subpart Y, unless marine tank vessels are used to generate credit in an emissions average. Paragraph (h)(3) is being added to § 63.640 to make it clear that marine tank vessel loading operations have 4 years to comply. However, if marine tank vessels loading is used to generate credits for an emissions average, compliance must be achieved in 3 years unless a case-by-case extension is granted by the regulatory authority as provided in § 63.6(i) of subpart A (the NESHAP general provisions). Because the other emission points at a refinery included in such an emissions average are required to comply within 3 years of promulgation, the emissions average would not balance if the marine tank vessel loading was not controlled by the third year. However, regulatory authorities have the discretion to allow an extension of up to 1 year for full implementation of the emissions average. This decision is best made on a site-specific basis.

A clarification is also being made to the wording of § 63.640(h)(4) which allows Group 1 storage vessels with floating roofs to comply at the next degassing and cleaning activity or within 10 years after promulgation of the rule, whichever is first. The clarification will insert the phrase "after August 18, 1998" after the words "cleaning activity". As explained in the promulgation preamble, the intent of this provision was to allow an extension of up to 10 years for floating roof storage vessels to achieve full compliance, not to require compliance prior to the 3-year compliance time allowed for all other emission points at refineries. As originally worded, this paragraph could have been misinterpreted as requiring storage vessels that were degassed prior to the August 18, 1998 compliance date to come into compliance earlier than the rest of the refinery.

A clarification is also being made to § 63.640(l) regarding compliance times and reports for addition of emission points to existing sources. This paragraph of the promulgated rule is clear regarding addition of miscellaneous process vents, storage vessels, gasoline loading racks, and marine tank vessel loading operations, but did not specifically address equipment leaks. Responses to comments in section 9 (general monitoring, recordkeeping, and reporting comments) of the background information document for the promulgated rule (EPA 453/R–95–015b) clarify that it was not intended that the addition of pumps, valves, and other components to an existing source subject to the equipment leaks standard trigger new source reporting requirements. The amended paragraph clarifies that equipment leak component additions remain subject to existing source and not new source requirements.

Paragraph (m)(2) of § 63.640 has also been reworded to clarify the timing for of a compliance schedule submittal existing sources when a Group 2 emission point becomes a Group 1 emission point. The intended 180-day time period for submitting the compliance schedule has not been changed, but the intent of the previous wording "within 180 days after the change is made or the information regarding the change is known to the source" has been clarified by the rewording.

B. Clarification of Exemptions

Paragraph (d)(3) of § 63.640 is being reworded. This paragraph exempts equipment that is in organic hazardous air pollutant (HAP) service less than 300 hours per year. This exemption applies to the types of equipment listed in the definition of "equipment leaks" in § 63.641. In order to improve clarity, the specific types of equipment to which this exemption applies have been listed in § 63.640(d)(3). The list of equipment being added to this paragraph exactly matches the list already included in the definition of equipment leaks in § 63.641.

An exemption for emission points routed to refinery fuel gas systems is being added to § 63.640(d). This exemption is specified in the definition of "miscellaneous process vent" in § 63.641. Putting this exemption in the applicability section (§ 63.640) makes it clearer that all emissions routed to fuel gas systems are exempt from the rule.

C. Definitions

The definitions of "Group 1 gasoline loading rack" and "Group 1 marine tank vessel" are being revised for consistency with 40 CFR part 63 subparts R (the gasoline distribution NESHAP) and Y (the marine tank vessel loading NESHAP). The intent of the refineries NESHAP was to be consistent with subparts R and Y in terms of which loading operations require control. Sections 63.650 and 63.651 of the Refineries NESHAP (subpart CC) cross-reference subparts R and Y for control requirements for loading operations. However, throughput and emissions applicability criteria in subparts R and Y were not correctly incorporated in the Group 1 definitions in § 63.641. The definition of "Group 1 gasoline loading

rack" is being revised to mean a gasoline loading rack classified under SIC 2911 that is part of a bulk gasoline terminal with the capacity to load greater than 75,700 liters per year of gasoline. This is consistent with subpart R. The definition of "Group 1 marine tank vessel" is being revised by changing the emission rate criteria for existing sources from 9.1 megagrams per year of any individual HAP and 13.6 megagrams of any combination of HAPs to 9.1 megagrams per year of any individual HAP and 22.7 megagrams of any combination of HAPs. The revised definition also clarifies that these emission rate cutoffs apply only to existing sources, not to new sources. These clarifications remove inconsistencies between the definitions in § 63.641 of subpart CC and the rules cross-referenced in §§ 63.650 and 63.651.

The definition of storage vessel is being clarified by removing the clause "in organic HAP service". This was a drafting error. The definition was intended to cover vessels storing organic liquids. However, the phrase "in organic liquid service" was used without recognizing that it is a defined term used in the equipment leaks section of the rule to indicate equipment leak components containing or contacting fluid that is at least 5 weight percent organic HAP. The preamble to the final rule (60 FR 43252) and the "Group 1 storage vessel" definitions make it clear that storage vessels with lower percent organic HAP were intended to be regulated. The "Group 1 storage vessel" definition contains the correct organic HAP weight percent cutoffs of 4 percent for existing sources and 2 percent for new sources, which are discussed in the preamble for the final rule.

The definition of "Group 1 miscellaneous process vent" is being revised to clarify that the 20 parts per million by volume cutoff applies to organic HAP rather than volatile organic compounds (VOC). This is consistent with the definition of "miscellaneous process vent", which includes vents containing greater than 20 parts per million by volume organic HAP and with the 20 parts per million organic HAP language in § 63.643. The definitions of "miscellaneous process vent" and "equipment leaks" are also being clarified by specifying that they do not include emissions from wastewater collection and conveyance systems. Air emissions from wastewater systems are regulated under the wastewater provisions in § 63.647 of subpart CC.

Definitions of "startup" and "shutdown" are being added for clarification. These definitions are consistent with definitions in the subpart A General Provisions and the hazardous organics NESHAP (40 CFR 60, subpart F). Under the General Provisions, § 63.6(f)(1) states that emission limits do not apply during startup, shutdown, and malfunction. These definitions make it clear that, for purposes of § 63.6(f)(1) and for the startup, shutdown, and malfunction plan, startup and shutdown refer to startup and shutdown of refinery process units or unit operations such as distillation units rather than to individual components such as pumps. To further clarify this point, the second sentence in the definition of "affected source" has been deleted. This sentence had been interpreted to mean that startup, shutdown, and malfunction plans apply to individual components.

Other minor definition changes are being made to correct typographical errors and improve clarity. For example, in the definition of "emission point", the word "gas" is changed to "gasoline", and a definition of leakless valves is being added to clarify which types of valves are excluded from the monitoring requirements of the rule.

D. Equations

The term "R" in the equation in § 63.642(g) represents the fraction of emissions from a Group 1 marine tank vessel loading operation after the required level of control has been applied. The phrase "and 0.05 for new offshore loading terminals" is being deleted because offshore loading terminals are not subject to subpart CC. Therefore, this phrase was not relevant to the refineries NESHAP, and would cause confusion.

The EPA is clarifying that the emissions averaging equations for gasoline loading racks assume that all facilities with Group 1 gasoline loading racks must comply with the requirements of subpart R regarding vapor-tightness of gasoline cargo tanks loaded at the facility, regardless of whether emissions averaging is used. Therefore, the emissions credit and debit calculation equations do not include terms for estimating emissions from leakage from gasoline cargo tanks. (Compliance with subpart R vapor-tightness provisions is not a new requirement. There is no change to the regulation language regarding this point.)

E. Recordkeeping and Reporting

Section 63.642(e) is being revised to state that records shall be maintained in such a manner that they can be readily accessed within 24 hours, rather than be maintained on-site for 2 years. This change is consistent with the discussion on this issue in section 9 (general monitoring, recordkeeping and reporting comments) of the background information document for this rule. This change was not incorporated in the promulgated rule because of a drafting oversight.

In § 63.654(d), recordkeeping requirement for equipment leaks are being added that require owners or operators to keep a list of valves that are designated as "leakless." These valves are exempt from the valve monitoring requirements. This recordkeeping requirement is consistent with requirements in equipment leak rules cross-referenced in this subpart, such as 40 CFR part 60, subpart VV. The requirement was overlooked when drafting the cross-references to subpart VV. Owners or operators are also required to identify equipment in process units that are subject to the rule that are not considered in organic HAP service, and reciprocating compressors and pumps that are exempt from equipment leak control requirements. These requirements are consistent with the hazardous organic NESHAP recordkeeping and reporting requirements which is cross referenced in the rule.

Section 63.654(h)(1) is being clarified to explicitly state that reports of startup, shutdown, and malfunction required by § 63.10(d)(5) do not apply to Group 2 emission points at refineries, unless they are included in an emission average. This is already stated in table 6, which shows which portions of the NESHAP general provisions apply to subpart CC. Table 6 specifies, in footnote b, that § 63.10(d)(5) does not apply to Group 2 emission points that are not included in an emission average, but it would be clearer to the reader to also state this in § 63.654(h)(1).

In table 4 of 40 CFR part 63, subpart CC, the cross-references to § 63.428 (i) and (j) of 40 CFR part 63, subpart R are being deleted. These records and reports pertain to recordkeeping provisions of subpart R that are applicable to facilities that have calculated emissions from bulk terminals and pipeline breakout stations that fall below a deminimis level and are not subject to 40 CFR part 63, subpart CC. In table 6 of subpart CC, the applicability of § 63.6(h) has been clarified. This requirement is referenced in portions of the HON rule (40 CFR part 63, subpart G) and the general provisions (40 CFR part 63, subpart A) relating to flares that are cross-referenced from subpart CC, and it was incorrectly over-ridden in the table. However, paragraphs relating strictly to

opacity remain over-ridden. Paragraphs specifying the timing of the visible emissions testing also remain over-ridden because § 63.645(i) has been added to 40 CFR part 63, subpart CC to specify the timing of the visible emissions tests for flares used to comply with subpart CC. The timing in § 63.645(i) is consistent with the date the petroleum refinery notification of compliance status is due, and will avoid requiring a visible emissions report at a separate time specified in § 63.6(h).

In table 3 of 40 CFR part 63, subpart CC, the comments on the recordkeeping and reporting requirements in § 63.182 (b) and (c) are being corrected to be consistent with exemptions allowed in the text.

II. Cross Referencing and Typographical Errors

Errors in cross-referencing 40 CFR part 63 subparts G and R, 40 CFR part 60 subpart Kb, and other sections within subpart CC are being corrected. Typographical errors are also being corrected.

List of Subjects in 40 CFR Parts 60 and 63

Air pollution control, Hazardous air pollutants, Petroleum refineries, Reporting and recordkeeping requirements.

Dated: April 17, 1996.

Mary D. Nichols,

Assistant Administrator for Air and Radiation.

For the reasons set out in the preamble, parts 60, and 63 of title 40, chapter I, of the Code of Federal Regulations are amended as follows:

PART 60—[AMENDED]

1. The authority citation for part 60 continues to read as follows:

Authority: 42 U.S.C. 7401–7601.

Subpart VV—[Amended]

2. Section 60.482–10 is amended by revising paragraph (j) to read as follows:

§ 60.482–10 Standards: Closed vent systems and control devices.

* * * * *

(j) Any parts of the closed vent system that are designated, as described in paragraph (l)(1) of this section, as unsafe to inspect are exempt from the inspection requirements of paragraphs (f)(1)(i) and (f)(2) of this section if they comply with the requirements specified in paragraphs (j)(1) and (j)(2) of this section:

* * * * *

PART 63—[AMENDED]

3. The authority citation for part 63 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart CC—[Amended]

4. Section 63.640 is amended by revising paragraphs (b) and (d), the last sentence of paragraph (f)(5), paragraphs (h)(4), the first sentence of paragraph (h)(5) introductory text, paragraphs (l)(3)(iv), by adding paragraphs (h)(3) and (l)(4), revising paragraphs (m)(2) and (n)(4), as follows:

§ 63.640 Applicability and designation of affected source.

* * * * *

(b) For process units that are designed and operated as flexible operation units, the applicability of this subpart shall be determined for existing sources based on the expected utilization for the 5 years following promulgation of this subpart and for new sources based on the expected utilization for the first 5 years after startup.

* * * * *

(d) The affected source subject to this subpart does not include the emission points listed in paragraphs (d)(1) through (d)(5) of this section.

(1) Stormwater from segregated stormwater sewers;

(2) Spills;

(3) Any pump, compressor, pressure relief device, sampling connection system, open-ended valve or line, valve, or instrumentation system that is intended to operate in organic hazardous air pollutant service, as defined in § 63.641 of this subpart, for less than 300 hours during the calendar year;

(4) Catalytic cracking unit and catalytic reformer catalyst regeneration vents, and sulfur plant vents; and

(5) Emission points routed to a fuel gas system, as defined in § 63.641 of this subpart. No testing, monitoring, recordkeeping, or reporting is required for refinery fuel gas systems or emission points routed to refinery fuel gas systems.

* * * * *

(f) * * *

(5) * * *. This determination shall be reported as specified in § 63.654(h)(6)(iii).

* * * * *

(h) * * *

(3) Marine tank vessels at existing sources shall be in compliance with this subpart no later than August 18, 1999 unless the vessels are included in an emissions average to generate emission credits. Marine tank vessels used to generate credits in an emissions average shall be in compliance with this subpart no later than August 18, 1998 unless an extension has been granted by the Administrator as provided in § 63.6(i).

(4) Existing Group 1 floating roof storage vessels shall be in compliance with § 63.646 at the first degassing and cleaning activity after August 18, 1998, or within 10 years after promulgation of the rule, whichever is first.

(5) An owner or operator may elect to comply with the provisions of § 63.648 (c) through (i) as an alternative to the provisions of § 63.648 (a) and (b). * * *

* * * * *

(l) * * *

(3) * * *

(iv) Reports and notifications required by § 63.182, or 40 CFR 60.487. The requirements of subpart H of this part are summarized in table 3 of this subpart;

* * * * *

(4) If pumps, compressors, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, or instrumentation systems are added to an existing source, they are subject to the equipment leak standards for existing sources in § 63.648. A notification of compliance status report shall not be required for such added equipment.

* * * * *

(m) * * *

(2) The compliance schedule shall be submitted within 180 days after the change is made, unless the compliance schedule has been previously submitted to the permitting authority. If it is not possible to determine until after the change is implemented whether the emission point has become Group 1, the compliance schedule shall be submitted within 180 days of the date when the affect of the change is known to the source. The compliance schedule may be submitted in the next Periodic Report if the change is made after the date the Notification of Compliance Status report is due.

* * * * *

(n) * * *

(4) After the compliance dates specified in paragraph (h) of this section, a Group 2 storage vessel that is part of a new source and is subject to 40 CFR 60.110b, but is not required to apply controls by 40 CFR 60.110b or 60.112b is required to comply only with this subpart.

* * * * *

5. Section 63.641 is amended by revising the definitions of "Affected source", "Emission point", the last sentence in "Equipment leak", "Group 1 gasoline loading rack", "Group 1

marine tank vessel", "Group 1 miscellaneous process vent", the first sentence in the introductory text of "Storage vessel", and "Temperature monitoring device", and by adding a definition for "Leakless valve", "Startup", and "Shutdown" and by adding a paragraph (13) to the definition for "Miscellaneous process vent" to read as follows:

§ 63.641 Definitions.

* * * * *

Affected source means the collection of emission points to which this subpart applies as determined by the criteria in § 63.640.

* * * * *

Emission point means an individual miscellaneous process vent, storage vessel, wastewater stream, or equipment leak associated with a petroleum refining process unit; an individual storage vessel or equipment leak associated with a bulk gasoline terminal or pipeline breakout station classified under Standard Industrial Classification code 2911; a gasoline loading rack classified under Standard Industrial Classification code 2911; or a marine tank vessel loading operation located at a petroleum refinery.

Equipment leak * * *. Vents from wastewater collection and conveyance systems (including, but not limited to wastewater drains, sewer vents, and sump drains), tank mixers, and sample valves on storage tanks are not equipment leaks.

* * * * *

Group 1 gasoline loading rack means any gasoline loading rack classified under Standard Industrial Classification code 2911 that is located within a bulk gasoline terminal that has a gasoline throughput greater than 75,700 liters per day. Gasoline throughput shall be the maximum calculated design throughput for the terminal as may be limited by compliance with enforceable conditions under Federal, State, or local law and discovered by the Administrator and any other person.

Group 1 marine tank vessel means a vessel at an existing source loaded at any land- or sea-based terminal or structure that loads liquid commodities with vapor pressures greater than or equal to 10.3 kilopascals in bulk onto marine tank vessels, that emits greater than 9.1 megagrams of any individual HAP or 22.7 megagrams of any combination of HAP annually after August 18, 1999, or a vessel at a new source loaded at any land- or sea-based terminal or structure that loads liquid commodities with vapor pressures greater than or equal to 10.3 kilopascals onto marine tank vessels.

Group 1 miscellaneous process vent means a miscellaneous process vent for which the total organic HAP concentration is greater than or equal to 20 parts per million by volume, and the total volatile organic compound emissions are greater than or equal to 33 kilograms per day for existing sources and 6.8 kilograms per day for new sources at the outlet of the final recovery device (if any) and prior to any control device and prior to discharge to the atmosphere.

* * * * *

Leakless valve means a valve that has no external actuating mechanism.

* * * * *

Miscellaneous process vent * * *

(13) Emissions from wastewater collection and conveyance systems including, but not limited to, wastewater drains, sewer vents, and sump drains.

* * * * *

Shutdown means the cessation of a petroleum refining process unit or a unit operation (including, but not limited to, a distillation unit or reactor) within a petroleum refining process unit for purposes including, but not limited to, periodic maintenance, replacement of equipment, or repair.

Startup means the setting into operation of a petroleum refining process unit for purposes of production. Startup does not include operation solely for purposes of testing equipment. Startup does not include changes in product for flexible operation units.

Storage vessel means a tank or other vessel that is used to store organic liquids. * * *

Temperature monitoring device means a unit of equipment used to monitor temperature and having an accuracy of ±1 percent of the temperature being monitored expressed in degrees Celsius or ±0.5 °C, whichever is greater.

* * * * *

6. Section 63.642 is amended by revising paragraphs (e) and (g) as follows:

§ 63.642 General standards.

* * * * *

(e) Each owner or operator of a source subject to this subpart shall keep copies of all applicable reports and records required by this subpart for at least 5 years except as otherwise specified in this subpart. All applicable records shall be maintained in such a manner that they can be readily accessed within 24 hours. Records may be maintained in hard copy or computer-readable form including, but not limited to, on paper, microfilm, computer, floppy disk, magnetic tape, or microfiche.

* * * * *

(g) The owner or operator of an existing source subject to the requirements of this subpart shall control emissions of organic HAP's to the level represented by the following equation:

$$E_A = 0.02\Sigma EPV_1 + \Sigma EPV_2 + 0.05\Sigma ES_1 + \Sigma ES_2 + \Sigma EGLR_{1C} + \Sigma EGLR_2 + (R)\Sigma EMV_1 + \Sigma EMV_2 + \Sigma EWW_{1C} + \Sigma EWW_2$$

where:

E_A = Emission rate, megagrams per year, allowed for the source.

$0.02\Sigma EPV_1$ = Sum of the residual emissions, megagrams per year, from all Group 1 miscellaneous process vents, as defined in § 63.641.

ΣEPV_2 = Sum of the emissions, megagrams per year, from all Group 2 process vents, as defined in § 63.641.

$0.05\Sigma ES_1$ = Sum of the residual emissions, megagrams per year, from all Group 1 storage vessels, as defined in § 63.641.

ΣES_2 = Sum of the emissions, megagrams per year, from all Group 2 storage vessels, as defined in § 63.641.

$\Sigma EGLR_{1C}$ = Sum of the residual emissions, megagrams per year, from all Group 1 gasoline loading racks, as defined in § 63.641.

$\Sigma EGLR_2$ = Sum of the emissions, megagrams per year, from all Group 2 gasoline loading racks, as defined in § 63.641.

$(R)\Sigma EMV_1$ = Sum of the residual emissions megagrams per year, from all Group 1 marine tank vessels, as defined in § 63.641.

R = 0.03 for existing sources, 0.02 for new sources.

ΣEMV_2 = Sum of the emissions, megagrams per year from all Group 2 marine tank vessels, as defined in § 63.641.

ΣEWW_{1C} = Sum of the residual emissions from all Group 1 wastewater streams, as defined in § 63.641. This term is calculated for each Group 1 stream according to the equation for EWW_{ic} in § 63.652(h)(6).

ΣEWW_2 = Sum of emissions from all Group 2 wastewater streams, as defined in § 63.641.

The emissions level represented by this equation is dependent on the collection of emission points in the source. The level is not fixed and can change as the emissions from each emission point

change or as the number of emission points in the source changes.

* * * * *

7. Section 63.644 is amended by revising the last sentence of paragraph (d) as follows:

§ 63.644 Monitoring provisions for miscellaneous process vents.

* * * * *

(d) * * *. In order to establish the range, the information required in § 63.654(f)(3) shall be submitted in the Notification of Compliance Status report.

* * * * *

8. Section 63.645 is amended by revising paragraphs (a) and (h)(2), and by adding paragraph (i), as follows:

§ 63.645 Test methods and procedures for miscellaneous process vents.

(a) To demonstrate compliance with § 63.643, an owner or operator shall follow § 63.116 except for § 63.116 (a)(1), (d) and (e) of subpart G of this part except as provided in paragraphs (b) through (d) and paragraph (i) of this section.

* * * * *

(h) * * *

(2) Where the recalculated TOC emission rate is greater than 33 kilograms per day for an existing source or greater than 6.8 kilograms per day for a new source, the owner or operator shall submit a report as specified in § 63.654 (f), (g), or (h) and shall comply with the appropriate provisions in § 63.643 by the dates specified in § 63.640.

(i) A compliance determination for visible emissions shall be conducted within 150 days of the compliance date using Method 22 of 40 CFR part 60, Appendix A, to determine visible emissions.

9. Section 63.646 is amended by revising paragraphs (a), (d) introductory text, and (d)(9), and adding (d)(10), as follows:

§ 63.646 Storage vessel provisions.

(a) Each owner or operator of a Group 1 storage vessel subject to this subpart shall comply with the requirements of §§ 63.119 through 63.121 except as provided in paragraphs (b) through (l) of this section.

* * * * *

(d) References shall apply as specified in paragraphs (d)(1) through (d)(10) of this section.

* * * * *

(9) All references to § 63.139(d)(1) in § 63.120(d)(1)(ii) of subpart G are not applicable. For sources subject to this subpart, such references shall mean that 40 CFR 61.355 is applicable.

(10) All references to § 63.139(c) in § 63.120(d)(1)(ii) of subpart G are not applicable. For sources subject to this subpart, such references shall mean that § 63.647 of this subpart is applicable.

* * * * *

10. Section 63.648 is amended by revising the first sentences of paragraphs (c)(9) and (c)(10) as follows:

§ 63.648 Equipment leak standards.

* * * * *

(c) * * *

(9) When complying with the requirements of § 63.168(e)(3)(i), non-repairable valves shall be included in the calculation of percent leaking valves the first time the valve is identified as leaking and non-repairable. * * *

(10) If in phase III of the valve standard any valve is designated as being leakless, the owner or operator has the option of following the provisions of 40 CFR 60.482–7(f). * * *

* * * * *

11. Section 63.650 is amended by revising paragraph (a) as follows:

§ 63.650 Gasoline loading rack provisions.

(a) Except as provided in paragraphs (b) through (c) of this section, each owner or operator of a gasoline loading rack classified under Standard Industrial Classification code 2911 located within a contiguous area and under common control with a petroleum refinery shall comply with subpart R, §§ 63.421, 63.422 (a) through (c), 63.425 (a) through (c), 63.425 (e) through (h), 63.427 (a) and (b), and 63.428 (b), (c), (g)(1), and (h)(1) through (h)(3).

* * * * *

12. Section 63.651 is amended by revising paragraph (a) and adding paragraph (d), as follows:

§ 63.651 Marine tank vessel loading operation provisions.

(a) Except as provided in paragraphs (b) through (d) of this section, each owner or operator of a marine tank vessel loading operation located at a petroleum refinery shall comply with the requirements of §§ 63.560 through 63.567.

* * * * *

(d) The compliance time of 4 years after promulgation of 40 CFR part 63, subpart Y does not apply. The compliance time is specified in § 63.640(h)(3).

13. Section 63.652 is amended by revising the equation in paragraph (h)(1) introductory text (the definitions to the equation remain unchanged) to read as follows:

§ 63.652 Emissions averaging provisions.

* * * * *

(h) * * *

(1) * * *

$$\text{Credits} = D\sum_{i=1}^{n}\left((0.02)\,EPV1_{iu} - EPV1_{iACTUAL}\right) + D\sum_{i=1}^{m}\left(EPV2_{iBASE} - EPV2_{iACTUAL}\right) +$$

$$D\sum_{i=1}^{n}\left((0.05)\,ES1_{iu} - ES1_{iACTUAL}\right) + D\sum_{i=1}^{m}\left(ES2_{iBASE} - ES2_{iACTUAL}\right) +$$

$$D\sum_{i=1}^{n}\left(EGLR_{ic} - EGLR_{1ACTUAL}\right) + D\sum_{i=1}^{m}\left(EGLR2_{iBASE} - EGLR2_{iACTUAL}\right) +$$

$$D\sum_{i=1}^{n}\left((0.03)\,EMV1_{iu} - EMV1_{iACTUAL}\right) + D\sum_{i=1}^{m}\left(EMV2_{iBASE} - EMV2_{iACTUAL}\right) +$$

$$D\sum_{i=1}^{n}\left(EWW1_{ic} - EWW1_{iACTUAL}\right) + D\sum_{i=1}^{m}\left(EWW2_{iBASE} - EWW2_{iACTUAL}\right)$$

* * *

* * * * *

14. Section 63.653 is amended by revising paragraph (a)(4) as follows:

§ 63.653 Monitoring, recordkeeping, and implementation plan for emission averaging.

(a) * * *

(4) For each gasoline loading rack that is controlled, perform the testing and monitoring procedures specified in §§ 63.425 and 63.427 of subpart R of this part except § 63.425(d) or § 63.427(c).

* * * * *

15. Section 63.654 is amended by revising paragraphs (d) introductory text, (d)(3), adding paragraphs (d)(4), (d)(5), and (d)(6), revising the first sentence of paragraph (g)(6)(iii), and revising paragraphs (g)(8)(ii)(B) and (h)(1), as follows:

§ 63.654 Reporting and recordkeeping requirements.

* * * * *

(d) Each owner or operator subject to the equipment leaks standards in § 63.648 shall comply with the recordkeeping and reporting provisions in paragraphs (d)(1) through (d)(6) of this section.

* * * * *

(3) An owner or operator who determines that a compressor qualifies for the hydrogen service exemption in § 63.648 shall also keep a record of the demonstration required by § 63.648.

(4) An owner or operator must keep a list of identification numbers for valves that are designated as leakless per § 63.648(c)(10).

(5) An owner or operator must identify, either by list or location (area or refining process unit), equipment in organic HAP service less than 300 hours per year within refining process units subject to this subpart.

(6) An owner or operator must keep a list of reciprocating pumps and compressors determined to be exempt from seal requirements as per §§ 63.648 (f) and (i).

* * * * *

(g) * * *

(6) * * *

(iii) Periods of startup and shutdown that meet the definition of § 63.641, and malfunction that meet the definition in § 63.2 and periods of performance testing and monitoring system calibration shall not be considered periods of excess emissions. * * *

(8) * * *

(ii) * * *

(B) The information required to be reported by § 63.428 (h)(1), (h)(2), and (h)(3) for each gasoline loading rack included in an emissions average, unless this information has already been submitted in a separate report;

* * * * *

(h) * * *

(1) Reports of startup, shutdown, and malfunction required by § 63.10(d)(5). Records and reports of startup, shutdown, and malfunction are not required if they pertain solely to Group 2 emission points, as defined in § 63.641, that are not included in an emissions average. For purposes of this paragraph, startup and shutdown shall have the meaning defined in § 63.641, and malfunction shall have the meaning defined in § 63.2; and

* * * * *

16. Table 3 in the appendices to subpart CC is amended by revising entries 63.182(b) and 63.182 (c) to read as follows:

TABLE 3.—EQUIPMENT LEAK RECORDKEEPING AND REPORTING REQUIREMENTS FOR SOURCES COMPLYING WITH § 63.648 OF SUBPART CC BY COMPLIANCE WITH SUBPART H OF THIS PART [a]

Reference (section of subpart H of this part)	Description	Comment
* *	* * *	* *
63.182(b)	Initial notification report requirements	Not required.
63.182(c)	Notification of compliance status report	Except in § 63.182(c); change "within 90 days of the compliance dates" to "within 150 days of the compliance dates"; except in §§ 63.182 (c)(2) and (c)(4).
* *	* * *	* *

[a] This table does not include all the requirements delineated under the referenced sections. See referenced sections for specific requirements.

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17. Table 4 in the appendices to subpart CC is revised to read as follows:

TABLE 4.—GASOLINE DISTRIBUTION EMISSION POINT RECORDKEEPING AND REPORTING REQUIREMENTS [a]

Reference (section of subpart R of this part)	Description	Comment
63.428(b)	Records of test results for each gasoline cargo tank loaded at the facility.	
63.428(c)	Continuous monitoring data recordkeeping requirements.	
63.428(g)(1)	Semiannual report loading rack information	Required to be submitted with the periodic report required under 40 CFR part 63 subpart CC.
63.428 (h)(1) through (h)(3)	Excess emissions report loading rack information.	Required to be submitted with the periodic report required under 40 CFR part 63 subpart CC.

[a] This table does not include all the requirements delineated under the referenced sections. See referenced sections for specific requirements.

* * * * *

18. Table 6 in the appendices to subpart CC is amended by revising entries 63.6(h) (1) and (2), 63.6(h) (4) and (5), 63.6(h)(6) and 63.6(h) (7) through (9) to read as follows:

TABLE 6.—GENERAL PROVISIONS APPLICABILITY TO SUBPART CC [a]

Reference	Applies to subpart CC [b]	Comment
* * *	*	* * *
63.6(h) (1) and (2)	Yes	
63.6(h) (4) and (5)	No	Visible emission requirements and timing in subpart CC.
63.6(h)(6)	Yes	
63.6(h) (7) through (9)	No	Subpart CC does not require opacity standards.
* * *	*	* * *

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19. Table 8 in the appendices to subpart CC is amended by revising the heading of the table, as follows:

TABLE 8.—VALVE MONITORING FREQUENCY FOR PHASE III

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