

**General Provisions**  
40 CFR Part 63.1 - Subpart A

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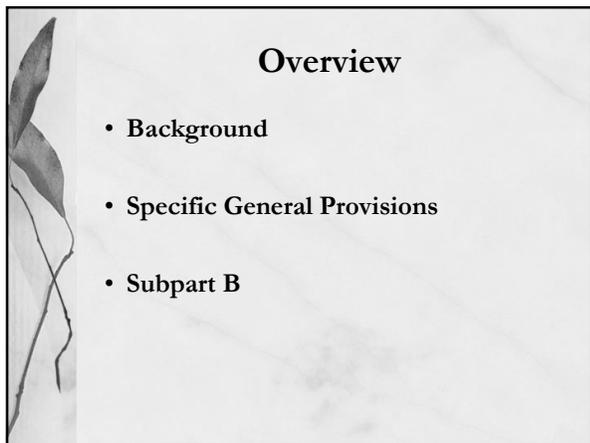
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**Overview**

- Background
- Specific General Provisions
- Subpart B

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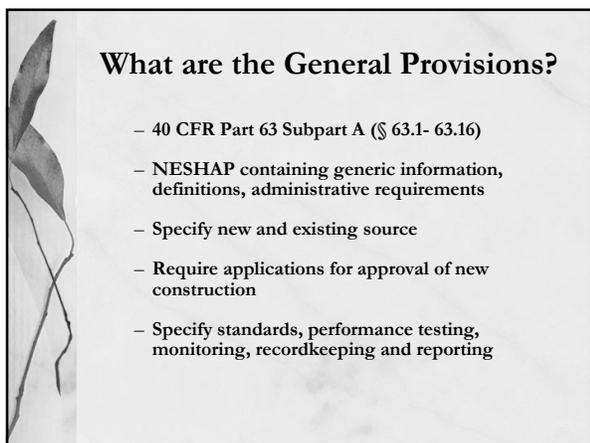
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**What are the General Provisions?**

- 40 CFR Part 63 Subpart A (§ 63.1- 63.16)
- NESHAP containing generic information, definitions, administrative requirements
- Specify new and existing source
- Require applications for approval of new construction
- Specify standards, performance testing, monitoring, recordkeeping and reporting

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## Parts of 40 CFR

- 40 CFR
  - Part 60: NSPS
  - Part 61: **The Original NESHAPS**
  - Part 63: **The New NESHAPS (MACTS)**
    - MACT
    - GACT

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## The General Provisions

1. Applicability
2. Definitions
3. Units and Abbreviations
4. Prohibited Activities and Circumvention
5. Preconstruction Review and Notification Requirements
6. Compliance With Standards and Maintenance Requirements
7. Performance Testing Requirements
8. Monitoring Requirements
9. Notification Requirements
10. Recordkeeping and Reporting Requirements
11. Control Device Requirements (flares)
12. State Authority and Delegations
13. Addresses of State Air Pollution Control Agencies and EPA Regional Offices
14. Incorporations by Reference
15. Availability of Information and Confidentiality
16. Performance Track Provisions

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## Example of How General Provisions Appear in NESHAPs



There is a table at the end of most NESHAPs which states applicable parts of the General Provisions  
Appendix Table 1 to Subpart EEE of Part 63 --General Provisions Applicable to Subpart EEE

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## Applicability

- ☞ **Applies to NESHAPs in Part 63** not Part 61
- ☞ No standard or requirement shall be applied to diminish or replace more stringent limits
- ☞ **Each NESHAP** will state which provisions in Subpart A apply

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## Applicability Continued...

- Applies to anyone subject to a **NESHAP in Part 63** that specifically incorporates Subpart A
  - **Includes sources subject to residual risk** - 112(f), major source modification - 112(g), work practice standard - 112(h), equivalent emission limit by permit - 112(i)
  - **Does not include** sources subject to accidental release - 112(e)
  - Stationary sources that emit or have the potential to emit any listed HAP
  - If a source determines that they have the PTE to emit a listed HAP, but aren't subject to the standard, **must keep records** to verify they aren't subject

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## Applicability Continued...

- ☞ **May be required to obtain a Title V permit**
  - Area sources may be deferred (12/9/04)
  - If standard doesn't say if an area source must get a Title V, it is assumed that they are required to
- ☞ If an area source becomes major, subject to notification requirements
- ☞ May be required by the State to obtain a Title V permit prior to promulgation of standard
- ☞ **If source has 112(j) permit & rule is promulgated**
  - Determine permit is as effective, source can request that permit be revised to reflect such

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**PRECONSTRUCTION REVIEW §63.5**

- Required by Section 112 (i)
  - For new and reconstructed sources
- State preconstruction review program, if equivalent, can be used.
  - O/O must provide evidence of state equivalency
  - Included with the request for approval of construction or reconstruction in §63.9 (b)(4)
- Application will also serve as Notification

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**COMPLIANCE DATES § 63.6**

**New and Existing Sources**

If you commenced construction...	Then you're considered...	And must comply with the relevant standard by...
On or before the proposal date	An existing source	The compliance date of the relevant standard [§ 63.6(c)(1)]
After the proposal date	A new source	At startup or by the effective date of the standard, whichever is later [§ 63.6(b)]  <b>Exception:</b> If a source commenced construction after the proposal date and prior to the effective date and the promulgated standard is more stringent than the proposed one, source must comply not later than 3 years after the effective date of the standard [§ 62.6(b)(3)]

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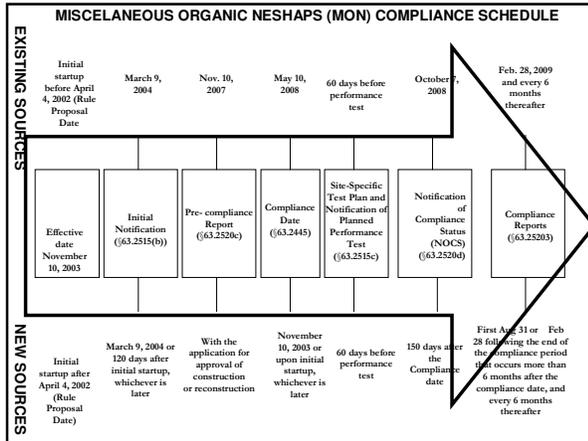
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### AREA SOURCE INCREASES

- MACTs can specify compliance dates
- Increasing PTE to major source levels after compliance dates are subject to existing source MACT, per 63.6 (c)(5)
- Adding equipment to make source major:
  - New equipment subject to new source MACT per 63.6 (b)(7)
  - Existing equipment still subject to existing source MACT

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### OPERATION AND MAINTENANCE REQUIREMENTS [§63.6 (e)]

- **O/O Must develop a plan to address startup, shutdown and malfunctions (SSM) of:**
  - air pollution control devices
  - process equipment
  - monitoring devices
- **O/O Must satisfy general duty to minimize emissions when MACT standard emission levels can't be met** (consistent with safety and good air pollution control practices)
- **SSM Plan can consist of standard operating procedures (SOPs)**

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### SSM Plans

- O/O shall maintain **SSM plan** on site and submit to Administrator upon request per §63.6 (e)(3)(v)
- **Public access to SSM plan** has not been resolved; latest suit filed by Earthjustice on 6/13/07

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### SSM REPORTING § 63.6 & 63.10

- O/O shall **update** the SSM plan, when necessary, and provide **written notice** to Administrator of changes
- **Immediate Reports [§ 63.10(d)(5)(ii)]**
  - 2 day/7 day (verbal/written) notification of actions not consistent with SSM plan resulting in excess emissions
- **Semi-annual Reports [§ 63.10(d)(5)(i)]**
  - **A statement** that actions taken during a SSM were consistent with the SSM plan
  - **Identify instances** when actions taken **were not consistent** with the SSM plan, but no emissions limitations were exceeded
  - **Identify malfunctions** that caused excess emissions

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### SSM RECORDKEEPING § 63.10(b)2

- **The O/O shall maintain records for ...**
  - **Occurrence and duration** of each malfunction of process equipment, required APCD and monitoring equipment
  - All required maintenance on required APCD and monitoring equipment
  - Actions taken during startup, shutdown or malfunction not consistent with SSM plan
  - Records must demonstrate when actions taken are consistent with SSM plan (may use a checklist)

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**PERFORMANCE TESTING § 63.7**

- Requirements for pre-test notification
- Notification and approval of site specific test plans, if required
- Validation of Alternative Test Methods
- Impacts of minor, intermediate, or major changes to pre-approved Test Methods

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**MONITORING § 63.8**

- **Specifications for CMS** (Continuous Monitoring Systems), including:
  - COMS (Continuous Opacity Monitoring Systems)
  - CEMS (Continuous Emissions Monitoring Systems)
  - CPMS (Continuous Parameter Monitoring Systems)

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**MONITORING § 63.8**

- **CMS (Continuous Monitoring Systems)**
  - Maintain and operate consistent with good APC practices
  - Keep necessary parts for routine repairs readily available
  - Develop SSM plan for CMS
  - Ensure readout can be inspected on site
  - Install, operate in accordance with manufacturer's specifications
  - Verify operation consistent with relevant performance test
  - Operate continuously except for breakdowns, out of control periods, and required calibration
  - Daily calibration specs for CMS *that are not* CPMS
  - Performance evaluation procedures
- **CPMS (Continuous Parameter Monitoring Systems)**
  - Daily check of indication that the system is responding

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**REPORTING § 63.10**

- **General Recordkeeping Requirements**
  - How to maintain records & for how long
- **Additional Recordkeeping for CMS**
  
- **General Reporting Requirements for:**
  - Performance Tests
  - Opacity or Visible Emissions Observations
  - Progress Reports
  - Periodic SSM Reports
  - Immediate SSM Reports
  
- **Waivers for recordkeeping & reporting**

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**REPORTING § 63.10**

- **May Substitute a State-required Report**
  - **IF** it contains **ALL** the information required in this Section
  
- **Copies of all reports are sent**
  - to the State
  - **AND** the Region
  - Unless the Region waives this requirement

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**STATE AUTHORITY & DELEGATIONS § 63.12**

- **EPA can delegate authority to implement and enforce standards**
  - Details are in Subpart E
  - Subpart E retains for EPA some authority to approve certain changes to test methods and ...
  
- **States are allowed to set more stringent requirements**
  - Provided that EPA agrees that they are more stringent

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**PERFORMANCE TRACK  
PROVISIONS § 63.16**

- New section to the General Provisions – 4/22/04
- Only available to members of EPA’s National Environmental Performance Track Program
- Simplifies MACT reporting requirements
- Can increase reporting intervals, from semi-annual to annual
- Depending on applicable standard, can reduce reporting details if source achieves compliant or better performance using control technology and/or pollution prevention measures

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**Amendments to Subpart A**

- **Table of changes with summary and citations**
- **Website:**  
<http://www.epa.gov/ttn/atw/mactfnlalph.html>



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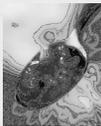
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**Subparts B, C, D and E**

- These NESHAPS codify the responsibilities (from the 1990 CAA) of EPA
- Found at the start of the 40 CFR 63 Section
- Subparts contain details on some of the 112 alphabet soup letters



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## Subpart B – 112(g) and (j)

- Found in 40 CFR 63.40-.44
- **Part 2 application deadline**
  - Standards scheduled for 5/15/03
    - Part 2 due 5/15/03 if deadline missed
  - Standards scheduled after 5/15/03
    - Part 2 due 60 days after missed deadline



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