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COUNTY OF SAN DIEGO

AIR POLLUTION CONTROL DISTRICT

DATE: June 20, 2007

TO: San Diego County Air Pollution Control Board

SUBJECT: REPEAL OF EXISTING REGULATION X SUBPARTS K, Ka, AND Kb AND ADOPTION BY REFERENCE OF FEDERAL NEW SOURCE PERFORMANCE STANDARDS (NSPS) FOR LARGE VOLATILE ORGANIC LIQUID STORAGE VESSELS (District: All)

SUMMARY:

Overview

The Environmental Protection Agency promulgated federal New Source Performance Standards Subparts K, Ka, and Kb in 1974, 1980, and 1988, respectively, which are applicable to large storage vessels for volatile organic liquids. The Subparts have progressively more stringent standards representing improving technology to control emissions from large storage vessels. In the past, the Air Pollution Control District has adopted these New Source Performance Standards with minor modifications into Air Pollution Control District Regulation X (Standards of Performance for New Stationary Sources) and then received delegation to be the primary agency to enforce the Subparts locally from the Environmental Protection Agency.

The Environmental Protection Agency has amended each of these federal Subparts since they were last adopted into Regulation X. This has caused the Regulation X version of the Subparts to become outdated. There are currently five facilities in San Diego County subject to these New Source Performance Standards. Therefore, to align Air Pollution Control District Regulation X with federal Subparts K, Ka, and Kb, it is requested that the Board repeal the existing Regulation X version of each Subpart and adopt by reference the current federal NSPS versions of Subparts K, Ka, and Kb. Adoption by reference will amend Regulation X (Standards of Performance for New Stationary Sources) to incorporate a Federal Register reference to these Subparts.

After adoption by reference, the Air Pollution Control District will then request delegation from the Environmental Protection Agency to become the primary agency to implement and enforce federal Subparts K, Ka, and Kb locally.

Recommendation(s)

AIR POLLUTION CONTROL OFFICER

1. Find that it can be seen with certainty that there is no possibility that the adoption

of the proposed amendments to Regulation X may have a significant effect on the environment, and the adoption of those proposed amendments is exempt from the provisions of the California Environmental Quality Act pursuant to California Code of Regulations, Title 14, Section 15061(b)(3).

2. Adopt the resolution titled Resolution Repealing Existing Regulation X Subparts K, Ka, and Kb and Adding By Reference Federal New Source Performance Standards (NSPS) Subparts K, Ka, and Kb to Regulation X of the Rules and Regulations of the San Diego County Air Pollution Control District.

3. Direct the Air Pollution Control Officer to request delegation from the Environmental Protection Agency to implement and enforce federal Subparts K, Ka, and Kb.

Fiscal Impact
The recommended action will have no fiscal impact on the District. Subparts K, Ka, and Kb will be enforced with existing staff.

Business Impact Statement
Delegation to implement and enforce a federal Subpart by a local agency is generally preferred by affected businesses. They can continue to work with the Air Pollution Control District to resolve any compliance issues that may arise rather than deal directly with the federal agency.

Subparts K, Ka, and Kb are applicable to five facilities in San Diego County. Four of these facilities have large storage vessels for petroleum liquids and one facility has a large storage vessel for isopropyl alcohol. The District has determined that repealing Regulation X Subparts K, Ka, and Kb and adopting federal Subparts K, Ka, and Kb by reference will result in no change in requirements for the facility storing isopropyl alcohol. The facilities storing petroleum liquid are subject to Rule 61.1 – Receiving and Storing Volatile Organic Compounds at Bulk Plants and Bulk Terminals, which has more stringent emission limitations than the federal Subparts. Any new storage vessels with significant volatile organic compound emissions will be required to install best available control technology pursuant to the District new source review rules.

Advisory Board Statement
There was no quorum at the Air Pollution Control Advisory Committee. The members present supported the recommendation at its May 9, 2007, meeting.

BACKGROUND:
Federal New Source Performance Standards (NSPSs) are regulations that establish minimum air pollution control standards for specific industries. They are promulgated as Subparts of Part 60 of the Code of Federal Regulations (CFR) by the Environmental Protection Agency (EPA) and

apply uniformly throughout the country. EPA notices the final regulations and any subsequent amendments in the Federal Register (FR). EPA can enforce NSPSs but often delegates primary implementation and enforcement authority to State and local air pollution control agencies. After such a delegation, EPA retains the authority to enforce the NSPS, but in most situations the State or local agency enforces the regulation instead.

The EPA promulgated 40 CFR Part 60 Subparts K, Ka, and Kb in 1974, 1980, and 1988, respectively, to regulate and reduce emissions of volatile organic compounds from new or modified large volatile organic liquid storage vessels. Each Subpart regulates emissions from vessels constructed or modified during specified successive time periods with the standards being progressively more stringent for each successive Subpart reflecting improving control technology for volatile organic liquid storage vessels. In addition, while Subparts K and Ka apply to storage vessels larger than 40,000 gallons containing petroleum liquids, Subpart Kb applies to vessels larger than 19,813 gallons containing any volatile organic liquid (including petroleum liquids). Each of the Subparts has been amended many times since they were initially promulgated.

Shortly after they were promulgated by the EPA, the Air Pollution Control District (District) adopted, with minor modifications, the original federal Subparts K, Ka, and Kb into Regulation X - Standards of Performance for New Stationary Sources. Subsequently, to incorporate amendments to the federal Subparts, the District adopted updated versions of Regulation X Subparts K and Ka on March 14, 1989 (APCB #4). Similarly, the District adopted an updated version of Regulation X Subpart Kb, again with minor modifications, on October 16, 1990 (APCB #2). After adoption of these amended Regulation X Subparts, the District received delegation from the EPA to be the primary agency to enforce the amended Regulation X Subparts K and Ka locally in 1989 and amended Regulation X Subpart Kb in 1992.

Since the District last adopted these Regulation X Subparts each of the Subparts have been amended by the EPA. Subparts K and Ka were amended by the EPA in 2000, and Kb was amended in 1997, 2000, and 2003. The EPA amendments clarified regulatory language, updated references to test methods, and added an equivalent compliance option (40 CFR Part 65 Subpart C) for some storage vessels to Subparts Ka and Kb. Subpart Kb was also amended to specify that the true maximum vapor pressure for organic compounds is to only include volatile organic compounds (as defined by the EPA in 40 CFR §51.100), and to exempt process vessels from the regulation. In addition, Subpart Kb was amended to remove a requirement to keep records of vessel dimensions for vessels storing low vapor pressure organic liquids that are not otherwise subject to any requirements. These amendments have caused the Regulation X versions of these Subparts to become significantly out of date, as have the corresponding EPA delegation.

The Environmental Protection Agency has indicated great reluctance to review and approve for delegation any local versions of NSPSs such as those the District has adopted in the past into Regulation X. Therefore, to align District and federal regulations, it is recommended that the existing Regulation X Subparts K, Ka, and Kb be repealed and current federal NSPS versions of Subparts K, Ka, and Kb be adopted by reference. Aligning the Regulation X and federal versions

of the Subparts will provide consistency between District and federal regulations, simplifying recordkeeping and reporting and, when applicable, streamline new or renewed federal operating permits (Title V permits) under District Regulation XIV for affected facilities.

There was no opposition to repealing Regulation X Subparts K, Ka, and Kb, and adopting federal Subparts K, Ka, and Kb by reference or other issues raised at the public workshop held on May 4, 2007.

Socioeconomic Impact Assessment
Section 40728.5 of the State Health and Safety Code requires the District to perform a socioeconomic impact assessment for new and revised rules and regulations significantly affecting air quality or emission limitations. Amending Regulation X of the District Rules by repealing existing Regulation X Subparts K, Ka, and Kb and adding federal Subparts K, Ka, and Kb will not significantly affect air quality or emission limitations since all affected sources are already subject to the federal Subparts or more emission limitations. Therefore, a socioeconomic impact assessment is not required.

Compliance with Board Policy on Adopting New Rules
On February 2, 1993, the Board directed that, with the exception of a regulation requested by business or a regulation for which a socioeconomic impact assessment is not required, no new or revised regulation shall be implemented unless specifically required by federal or State law. The proposed repeal of existing Regulation X Subparts K, Ka, and Kb and adoption of federal Subparts K, Ka, and Kb by reference is consistent with this Board directive.

Comparison to Existing Requirements
Health and Safety Code Section 40727.2 requires that whenever the District proposes adopting, amending, or repealing a rule or regulation, an analysis be prepared to identify and compare the air pollution control elements of the proposal with corresponding elements of existing or proposed federal or District requirements. Pursuant to Section 40727.2(g), however, this analysis is not necessary if the District finds that the proposed rule does not impose a new emission limit or standard, nor make an existing emission limit or standard more stringent, nor impose new or more stringent monitoring, reporting, or recordkeeping requirements. The proposed amendments do not impose new or more stringent standards or monitoring, reporting, or recordkeeping requirements.

Environmental Statement
The California Environmental Quality Act (CEQA) requires an environmental review for certain actions. The District has conducted a preliminary review of whether the CEQA applies to amending Regulation X of the District Rules and Regulations by repealing Regulation X Subparts K, Ka, and Kb and adding federal Subparts K, Ka, and Kb by reference. It is certain there is no possibility that this action may have a significant adverse effect on the environment. Therefore, the adoption of amendments to Regulation X is exempt from the provisions of the CEQA pursuant to California Code of Regulations, Title 14, Section 15061(b)(3).

SUBJECT: REPEAL OF EXISTING REGULATION X SUBPARTS K, Ka, AND Kb AND ADOPTION BY REFERENCE OF FEDERAL NEW SOURCE PERFORMANCE STANDARDS (NSPS) FOR LARGE VOLATILE ORGANIC LIQUID STORAGE VESSELS (District: All)

Linkage to the County of San Diego's Strategic Plan
The County's five-year strategic plan includes an Environment Initiative to ensure environmental preservation and enhance quality of life. Facilitating enforcement of federal Subparts K, Ka, and Kb on sources that may emit sizeable amounts of volatile organic compounds fulfills the objective to restore air quality by ensuring reduced emissions, thus protecting public health.

Respectfully submitted,

Chandra Wallar

CHANDRA L. WALLAR
Deputy Chief Administrative Officer

Raymond A. Fernandez

RAYMOND A. FERNANDEZ
Air Pollution Control Officer (Acting)

ATTACHMENT(S)

Attachment A - Resolution titled Resolution Repealing Existing Regulation X Subparts K, Ka, and Kb and Adding by Reference Federal New Source Performance Standards (NSPS) Subparts K, Ka, and Kb to Regulation X of the Rules and Regulations of the San Diego County Air Pollution Control District.

Attachment B - Change Copy of Regulation X

Attachment C - Federal New Source Performance Standard Subparts K, Ka, and Kb

Attachment D - Workshop Report

SUBJECT: REPEAL OF EXISTING REGULATION X SUBPARTS K, Ka, AND Kb AND ADOPTION BY REFERENCE OF FEDERAL NEW SOURCE PERFORMANCE STANDARDS (NSPS) FOR LARGE VOLATILE ORGANIC LIQUID STORAGE VESSELS (District: All)

AGENDA ITEM INFORMATION SHEET

CONCURRENCE(S)

COUNTY COUNSEL REVIEW	[X] Yes (4) 6/7/07	
Written disclosure per County Charter Section 1000.1 required	[ ] Yes	[X] No
GROUP/AGENCY FINANCE DIRECTOR	[ ] Yes	[X] N/A
CHIEF FINANCIAL OFFICER	[ ] Yes	[X] N/A
Requires Four Votes	[ ] Yes	[X] No
GROUP/AGENCY INFORMATION TECHNOLOGY DIRECTOR	[ ] Yes	[X] N/A
CHIEF TECHNOLOGY OFFICER	[ ] Yes	[X] N/A
DEPARTMENT OF HUMAN RESOURCES	[ ] Yes	[X] N/A

Other Concurrence(s): N/A

ORIGINATING DEPARTMENT: Air Pollution Control District, County of San Diego

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Raymond A. Fernandez,
Air Pollution Control Officer (Acting)

SUBJECT: REPEAL OF EXISTING REGULATION X SUBPARTS K, Ka, AND Kb AND ADOPTION BY REFERENCE OF FEDERAL NEW SOURCE PERFORMANCE STANDARDS (NSPS) FOR LARGE VOLATILE ORGANIC LIQUID STORAGE VESSELS (District: All)

AGENDA ITEM INFORMATION SHEET
(continued)

PREVIOUS RELEVANT BOARD ACTIONS:
February 2, 1993 (APCB #2), Delayed implementation of new or revised regulations unless requested by business, specifically ordered by federal or State law, or for which a socioeconomic impact assessment is not required; October 16, 1990 (APCB #2), Adoption of amended Regulation X Subpart Kb; March 14, 1989 (APCB #4), Adoption of amended Regulation X Subparts K and Ka.

BOARD POLICIES APPLICABLE:
N/A

BOARD POLICY STATEMENTS:
N/A

CONTRACT AND/OR REQUISITION NUMBER(S):
N/A

MEETING DATE: JUNE 20, 2007
RESOLUTION NO. 07-136

ATTACHMENT A

Re Rules and Regulations of the)
Air Pollution Control District)
of San Diego County . . . . .)

RESOLUTION REPEALING EXISTING REGULATION X SUBPARTS K, Ka, AND Kb AND ADDING BY REFERENCE FEDERAL NEW SOURCE PERFORMANCE STANDARDS (NSPS) SUBPARTS K, Ka, AND Kb TO REGULATION X OF THE RULES AND REGULATIONS OF THE SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT

On motion of Member Slater-Price, seconded by Member Cox, the following resolution is adopted:

WHEREAS, the San Diego County Air Pollution Control Board, pursuant to Section 40702 of the Health and Safety Code, adopted Rules and Regulations of the Air Pollution Control District of San Diego County; and

WHEREAS, said Board now desires to amend said Rules and Regulations; and

WHEREAS, notice has been given and a public hearing has been had relating to the amendment of said Rules and Regulations pursuant to Section 40725 of the Health and Safety Code; and

WHEREAS, pursuant to section 40727 of the Health and Safety Code, the San Diego County Air Pollution Control Board makes the following findings:

(1) (Necessity) The repeal of existing Regulation X Subparts K, Ka, and Kb and adding by reference of Federal NSPS Subparts K, Ka, and Kb is necessary in order to receive delegation from the United States Environmental Protection Agency to implement and enforce Federal NSPS Subparts K, Ka, and Kb, as required pursuant to the Section 105 grant from U.S. Environmental Protection Agency to the Air Pollution Control District;

(2) (Authority) The repeal of existing Regulation X Subparts K, Ka, and Kb and adding by reference of Federal NSPS Subparts K, Ka, and Kb is authorized by Health and Safety Code section 40702;

(3) (Clarity) Federal NSPS Subparts K, Ka, and Kb can be easily understood by persons directly affected by them;

(4) (Consistency) The repeal of existing Regulation X Subparts K, Ka, and Kb and the adoption of Federal NSPS Subparts K, Ka, and Kb merely incorporates by reference the Federal NSPS Subparts K, Ka, and Kb adopted pursuant to Section 111 of the Clean Air Act (42 U.S.C. § 7411), and Federal NSPS Subparts K, Ka, and Kb align with, and not in conflict with or contrary to, existing statutes, court decisions, and State and federal regulations;

(5) (Non-duplication) The repeal of existing Regulation X Subparts K, Ka, and Kb and adding by reference of Federal NSPS Subparts K, Ka, and Kb will not duplicate existing district or federal requirements, but merely incorporates the Federal NSPS Subparts;

(6) (Reference) The repeal of existing Regulation X Subparts K, Ka, and Kb and adding by reference of Federal NSPS Subparts K, Ka, and Kb is necessary to receive delegation from the United States Environmental Protection Agency to implement and enforce Federal NSPS Subparts K, Ka, and Kb in accordance with Clean Air Act section 111 (42 U.S.C. § 7411); and

WHEREAS, the Air Pollution Control Board further finds that an analysis of existing requirements applicable to the source or category is not required by Section 40727.2 of the Health and Safety Code because the proposed addition of Subparts K, Ka, and Kb does not impose new or more stringent requirements; and

WHEREAS, the Air Pollution Control Board further finds pursuant to Health and Safety Code section 40001 that the addition by reference of Federal NSPS Subparts Eb, Ec, AAAA, CCCC, and EEEE is required to receive delegation to implement the Federal NSPS and will promote the attainment of ambient air quality standards; and

WHEREAS, the Air Pollution Control Board further finds that an assessment of socioeconomic impacts is not required by Health and Safety Code section 40728.5 for addition by reference of Federal NSPS Subparts K, Ka, and Kb because it will not significantly affect air quality or emission limitations,

NOW THEREFORE IT IS RESOLVED AND ORDERED by the San Diego County Air Pollution Control Board that the Rules and Regulations of the Air Pollution Control District of San Diego County be and hereby are amended as follows:

1. Existing Regulation X New Source Performance Standards (NSPS), Suparts K, Ka, and Kb are deleted in their entirety .

2. The proposed amendment to the Preamble to Regulation X adding Subparts K, Ka, and Kb by reference is to read as follows:

REGULATION X. STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES (NSPS) (Rev. Effective 6/20/07)

The provisions of Part 60, Chapter I, Title 40, of the Code of Federal Regulations, (40 CFR 60), applicable to the subparts listed in this Regulation are hereby adopted by reference on the date shown and made part of the Air Pollution Control District Rules and Regulations. Whenever any source is

subject to more than one rule, regulation, provision, or requirement relating to the control of any air contaminant, in cases of conflict or duplication the most stringent rule, regulation, provision, or requirement shall apply.

All new sources of air pollution and all modified or reconstructed sources of air pollution shall comply with the applicable standards, criteria, and requirements set forth herein. For the purpose of this Regulation, the word "Administrator" as used in 40 CFR 60 shall mean the Air Pollution Control Officer of the San Diego County Air Pollution Control District, except that the Air Pollution Control Officer shall not be empowered to approve alternate test methods, alternate standards or work practices. Other deviations, if any, from the provisions of 40 CFR 60 which are adopted by the Air Pollution Control Board are noted in the reference to the affected Subpart.

The U.S. Environmental Protection Agency (EPA) retains concurrent enforcement authority for these standards pursuant to Section 113 of the federal Clean Air Act, as amended, if the EPA Administrator desires to exercise it, including those not yet adopted by the Air Pollution Control District.

The addition of federal Subparts by reference to Regulation X shall take effect and be in force on the date of delegation of enforcement authority to the San Diego County Air Pollution Control District by EPA.

SUBPART D
40CFR60.40-46

STANDARDS OF PERFORMANCE FOR FOSSIL-FUEL-FIRED STEAM GENERATORS FOR WHICH CONSTRUCTION IS COMMENCED AFTER AUGUST 17, 1971

FR Citation	Adoption Date	Delegation Date
39 FR 20791, June 14, 1974	October 17, 2001	Pending
40 FR 2803, Jan. 16, 1975	October 17, 2001	Pending
40 FR 46256, Oct. 6, 1975	October 17, 2001	Pending
41 FR 51398, Nov. 22, 1976	October 17, 2001	Pending
42 FR 37936, July 25, 1977	October 17, 2001	Pending
42 FR 61537, Dec. 5, 1977	October 17, 2001	Pending
43 FR 9278, Mar. 7, 1978	October 17, 2001	Pending
44 FR 33612, June 17, 1979	October 17, 2001	Pending
44 FR 76787, Dec. 28, 1979	October 17, 2001	Pending
45 FR 36077, May 29, 1980	October 17, 2001	Pending
45 FR 47146, July 14, 1980	October 17, 2001	Pending
46 FR 57498, Nov. 24, 1981	October 17, 2001	Pending
48 FR 3736, Jan. 27, 1983	October 17, 2001	Pending
51 FR 42797, Nov. 25, 1986	October 17, 2001	Pending
52 FR 28954, Aug. 4, 1987	October 17, 2001	Pending
54 FR 6662, Feb. 14, 1989	October 17, 2001	Pending
54 FR 21344, May 17, 1989	October 17, 2001	Pending
55 FR 5212, Feb. 14, 1990	October 17, 2001	Pending
61 FR 49976, Sept. 24, 1996	October 17, 2001	Pending
65 FR 61752, Oct. 17, 2000	Not Yet Adopted	

SUBPART Da
40CFR60.40a-49a

STANDARDS OF PERFORMANCE FOR ELECTRIC UTILITY STEAM GENERATING UNITS FOR WHICH CONSTRUCTION IS COMMENCED AFTER SEPTEMBER 18, 1978

FR Citation	Adoption Date	Delegation Date
44 FR 33613, June 11, 1979	October 17, 2001	Pending
48 F4 3737, Jan. 27, 1983	October 17, 2001	Pending
54 FR 6663, Feb. 14, 1989	October 17, 2001	Pending
54 FR 21344, May 17, 1989	October 17, 2001	Pending
55 FR 5212, Feb. 14, 1990	October 17, 2001	Pending
55 FR 18876, May 7, 1990	October 17, 2001	Pending
63 FR 49453, Sept. 16, 1998	October 17, 2001	Pending
64 FR 7464, Feb. 12, 1999	October 17, 2001	Pending
65 FR 61752, Oct. 17, 2000	October 17, 2001	Pending
66 FR 18551, April 10, 2001	October 17, 2001	Pending
66 FR 31178, June 11, 2001	October 17, 2001	Pending
66 FR 42610, Aug. 14, 2001	Not Yet Adopted	
70 FR 28653, May 18, 2005	Not Yet Adopted	
70 FR 51268, Aug. 30, 2005	Not Yet Adopted	
71 FR 9876, Feb. 27, 2006	Not Yet Adopted	
71 FR 33399, June 9, 2006	Not Yet Adopted	

SUBPART Db
40CFR60.40b-49b

STANDARDS OF PERFORMANCE FOR INDUSTRIAL-COMMERCIAL-INSTITUTIONAL STEAM GENERATING UNITS

FR Citation	Adoption Date	Delegation Date
51 FR 42768, Nov. 25, 1986	April 25, 2001	Pending
52 FR 47842, Dec. 16, 1987	April 25, 2001	Pending
54 FR 51824, Dec. 18, 1989	April 25, 2001	Pending
54 FR 51819, Dec. 18, 1989	April 25, 2001	Pending
55 FR 5212, Feb. 14, 1990	April 25, 2001	Pending
55 FR 18876, May 7, 1990	April 25, 2001	Pending
60 FR 28062, May 30, 1995	April 25, 2001	Pending
61 FR 14031, Mar. 29, 1996	April 25, 2001	Pending
62 FR 52641, Oct. 8, 1997	April 25, 2001	Pending
63 FR 49454, Sept. 16, 1998	April 25, 2001	Pending
64 FR 7464, Feb. 12, 1999	April 25, 2001	Pending
65 FR 13243, Mar. 13, 2000	April 25, 2001	Pending
65 FR 61752, Oct. 17, 2000	Not Yet Adopted	
66 FR 18553, April 10, 2001	Not Yet Adopted	
66 FR 42610, Aug. 14, 2001	Not Yet Adopted	
66 FR 49834, Oct. 1, 2001	Not Yet Adopted	
69 FR 40773, July 7, 2004	Not Yet Adopted	
71 FR 9881, Feb. 27, 2006	Not Yet Adopted	
71 FR 33400, June 9, 2006	Not Yet Adopted	

SUBPART Dc
40CFR60.40c-48c

STANDARDS OF PERFORMANCE FOR SMALL INDUSTRIAL-COMMERCIAL-INSTITUTIONAL STEAM GENERATING UNITS

FR Citation	Adoption Date	Delegation Date

	55 FR 37683, Sept. 12, 1990	Aug. 13, 1997	June 24, 1998
	61 FR 20736, May 8, 1996	Aug. 13, 1997	June 24, 1998
	64 FR 7465, Feb. 12, 1999	Not Yet Adopted	
	65 FR 61752, Oct. 17, 2000	Not Yet Adopted	
	71 FR 9884, Feb. 27, 2006	Not Yet Adopted	

SUBPART Eb
40CFR60.50b-59b

STANDARDS OF PERFORMANCE FOR LARGE MUNICIPAL WASTE COMBUSTORS FOR WHICH CONSTRUCTION IS COMMENCED AFTER SEPTEMBER 20, 1994 OR FOR WHICH MODIFCATION OR RECONSTRUCTION COMMENCED AFTER JUNE 19, 1996

FR Citation	**Adoption Date**	**Delegation Date**
60 FR 65419, Dec. 19, 1995	*(Date of Adoption)*	
62 FR 45120 ,Aug. 25, 1997	*(Date of Adoption)*	
62 FR 45125 ,Aug. 25, 1997	*(Date of Adoption)*	
65 FR 61753, Oct. 17, 2000	*(Date of Adoption)*	
66 FR 36476, July 12, 2001	*(Date of Adoption)*	
66 FR 57827, Nov. 16, 2001	*(Date of Adoption)*	
71 FR 27335, May 10, 2006	*(Date of Adoption)*	

SUBPART Ec
40CFR60.50c-58c

STANDARDS OF PERFORMANCE FOR HOSPITAL/MEDICAL/ INFECTIOUS WASTE INCINERATORS FOR WHICH CONSTRUCTION IS COMMENCED AFTER JUNE 20, 1996

FR Citation	**Adoption Date**	**Delegation Date**
62 FR 48382, Sept. 15, 1997	*(Date of Adoption)*	
65 FR 61753, Oct. 17, 2000	*(Date of Adoption)*	

SUBPART K
40CFR60.110-113

STANDARDS OF PERFORMANCE FOR STORAGE VESSELS FOR PETROLEUM LIQUIDS FOR WHICH CONSTRUCTION, RECONSTRUCTION, OR MODIFICATION COMMENCED AFTER JUNE 11, 1973, AND PRIOR TO MAY 19, 1978

FR Citation	**Adoption Date**	**Delegation Date**
39 FR 9317, March 8, 1974	*(Date of Adoption)*	
39 FR 13776, April 17, 1974	*(Date of Adoption)*	
39 FR 20794, June 14, 1974	*(Date of Adoption)*	
42 FR 37937, July 25, 1977	*(Date of Adoption)*	
45 FR 23379, April 4, 1980	*(Date of Adoption)*	
48 FR 3737, Jan. 27, 1983	*(Date of Adoption)*	
52 FR 11429, April 8, 1987	*(Date of Adoption)*	
65 FR 61755, Oct. 17, 2000	*(Date of Adoption)*	

SUBPART Ka

STANDARDS OF PERFORMANCE FOR STORAGE VESSELS FOR

40CFR60.110a-115a PETROLEUM LIQUIDS FOR WHICH CONSTRUCTION, RECONSTRUCTION, OR MODIFICATION COMMENCED AFTER May 18, 1978, AND PRIOR TO July 23, 1984

FR Citation	Adoption Date	Delegation Date
45 FR 23379, April 4, 1980	*(Date of Adoption)*	
45 FR 83229, Dec. 18,1980	*(Date of Adoption)*	
48 FR 3737, Jan. 27, 1983	*(Date of Adoption)*	
52 FR 11429, April 8, 1987	*(Date of Adoption)*	
65 FR 61756, Oct. 17, 2000	*(Date of Adoption)*	
65 FR 78275, Dec. 14, 2000	*(Date of Adoption)*	

SUBPART Kb
40CFR60.110b-117b

STANDARDS OF PERFORMANCE FOR VOLATILE ORGANIC LIQUID STORAGE VESSELS (INCLUDING PETROLEUM LIQUID STORAGE VESSELS) FOR WHICH CONSTRUCTION, RECONSTRUCTION, OR MODIFICATION COMMENCED AFTER JULY 23, 1984

FR Citation	Adoption Date	Delegation Date
52 FR 11429, Aug. 11, 1987	*(Date of Adoption)*	
52 FR 22780, June 16, 1987	*(Date of Adoption)*	
54 FR 32973, Aug. 11, 1989	*(Date of Adoption)*	
62 FR 52641, Oct. 8, 1997	*(Date of Adoption)*	
65 FR 61756, Oct. 17, 2000	*(Date of Adoption)*	
65 FR 78275, Dec. 14, 2000	*(Date of Adoption)*	
68 FR 59332, Oct. 15, 2003	*(Date of Adoption)*	

SUBPART GG
40CFR60.330-335

STANDARDS OF PERFORMANCE FOR STATIONARY GAS TURBINES

FR Citation	Adoption Date	Delegation Date
44 FR 52798, Sept. 10, 1979	October 17, 2001	Pending
47 FR 3770, Jan. 27, 1982	October 17, 2001	Pending
52 FR 42434, Nov. 5, 1987	October 17, 2001	Pending
54 FR 6675 Feb. 14, 1989	October 17, 2001	Pending
54 FR 27016, June 27, 1989	October 17, 2001	Pending
65 FR 61759, Oct. 17, 2000	Not Yet Adopted	
69 FR 41359, July 8, 2004	Not Yet Adopted	
71 FR 9458, Feb. 24, 2006	Not Yet Adopted	

SUBPART AAA
40CFR60.530-539b

STANDARDS OF PERFORMANCE FOR NEW RESIDENTIAL WOOD HEATERS

FR Citation	Adoption Date	Delegation Date
53 FR 5873, Feb. 26, 1988	April 12, 2000	Pending
53 FR 12009, April 12, 1988	April 12, 2000	Pending
53 FR 14889, April 26, 1988	April 12, 2000	Pending
57 FR 5328, Feb. 13, 1992	April 12, 2000	Pending
60 FR 33925, June 29, 1995	April 12, 2000	Pending
63 FR 64874, Nov. 24, 1998	April 12, 2000	Pending
64 FR 7466, Feb. 12, 1999	April 12, 2000	Pending
65 FR 61763, Oct. 17, 2000	Not Yet Adopted	

SUBPART OOO
40CFR60.670-676

STANDARDS OF PERFORMANCE FOR NONMETALLIC MINERAL PROCESSING PLANTS

FR Citation	Adoption Date	Delegation Date
50 FR 31328, Aug. 1, 1985	April 28, 1999	May 28, 2002
54 FR 6680, Feb. 14, 1989	Not Yet Adopted	
62 FR 31351, June 9, 1997	April 28, 1999	May 28, 2002
65 FR 61778, Oct. 17, 2000	Not Yet Adopted	

SUBPART UUU
40CFR60.730-737

STANDARDS OF PERFORMANCE FOR CALCINERS AND DRYERS IN MINERAL INDUSTRIES

FR Citation	Adoption Date	Delegation Date
57 FR 44503, Sept. 28, 1992	Nov. 17, 1999	May 28, 2002
58 FR 40591, July 29, 1993	Nov. 17, 1999	May 28, 2002
65 FR 61778, Oct. 17, 2000	Not Yet Adopted	

SUBPART VVV
40CFR60.740-748

STANDARDS OF PERFORMANCE FOR POLYMERIC COATING OF SUPPORTING SUBSTRATES

FR Citation	Adoption Date	Delegation Date
54 FR 37551, Sept. 11, 1989	*May 23, 2007*	

SUBPART WWW
40CFR60.750-759

STANDARDS OF PERFORMANCE FOR MUNICIPAL SOLID WASTE LANDFILLS

FR Citation	Adoption Date	Delegation Date
61 FR 9919, Mar. 12, 1996	Aug. 13, 1997	June 24, 1998
63 FR 32750, June 16. 1998	Not Yet Adopted	
64 FR 9262, Feb. 24, 1999	Not Yet Adopted	
65 FR 18908, Apr. 10, 2000	Not Yet Adopted	
65 FR 61778, Oct. 17, 2000	Not Yet Adopted	
71 FR 55127, Sept. 21, 2006	Not Yet Adopted	

SUBPART AAAA
40CFR60.1000-1465

STANDARDS OF PERFORMANCE FOR SMALL MUNICIPAL WASTE COMBUSTION UNITS FOR WHICH CONSTRUCTION IS COMMENCED AFTER AUGUST 30, 1999 OR FOR WHICH MODIFICATION OR RECONSTRUCTION IS COMMENCED AFTER JUNE 6, 2001

FR Citation	Adoption Date	Delegation Date
65 FR 76355, Dec. 6, 2000	*(Date of Adoption)*	

SUBPART CCCC
40CFR60.2000-2265

STANDARDS OF PERFORMANCE FOR COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION UNITS FOR WHICH CONSTRUCTION IS COMMENCED AFTER NOVEMBER 30, 1999 OR FOR WHICH MODIFICATION OR RECONSTRUCTION IS COMMENCED ON OR AFTER JUNE 2, 2001

FR Citation	Adoption Date	Delegation Date
65 FR 75350, Dec. 1, 2000	(Date of Adoption)	
66 FR 16606, Mar. 27, 2001	(Date of Adoption)	
70 FR 55580, Sept. 22, 2005	(Date of Adoption)	

SUBPART EEEE 40CFR60.2880-2977	STANDARDS OF PERFORMANCE FOR OTHER SOLID WASTE INCINERATION UNITS FOR WHICH CONSTRUCTION IS COMMENCED AFTER DECEMBER 9, 2004, OR FOR WHICH MODIFICATION OR RECONSTRUCTION IS COMMENCED ON OR AFTER JUNE 16, 2006.

FR Citation	**Adoption Date**	**Delegation Date**
70 FR 74892, Dec. 16, 2005	*(Date of Adoption)*	

IT IS FURTHER RESOLVED AND ORDERED that the subject repeal of existing Subparts K, Ka, and Kb and the subject addition of federal Subparts K, Ka, and Kb by reference to Regulation X shall take effect and be in force on the date of delegation of enforcement authority to the Air Pollution Control District by the U.S. Environmental Protection Agency.

PASSED AND ADOPTED by the Air Pollution Control Board of the San Diego County Air Pollution Control District, State of California, this 20th day of June, 2007 by the following votes:

AYES: Cox, Jacob, Slater-Price, Roberts, Horn

STATE OF CALIFORNIA)
County of San Diego)SS

I hereby certify that the foregoing is a full, true and correct copy of the Original Resolution entered in the Minutes of the San Diego County Board of Supervisors

THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors

BY: _____
Marvice Mazyck, Deputy

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL

BY _____
SENIOR DEPUTY

Resolution No. 07-136
AP 6/20/07 (1)

This is a true certified copy of the original document on file or of record in the office of the Clerk of the Board. It bears the seal of the County of San Diego, imprinted in purple ink, and bears the signature of a Deputy Clerk.

THOMAS J. PASTUSZKA
CLERK OF THE BOARD, SAN DIEGO COUNTY, CALIFORNIA

By Deputy _____ Date: 6/27/07

ATTACHMENT B

SAN DIEGO AIR POLLUTION CONTROL DISTRICT

PROPOSED AMENDMENT TO REGULATION X

CHANGE COPY

Proposed amendment to Regulation X is to read as follows:

REGULATION X. STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES (NSPS) (Rev. Effective 6/20/07)

The provisions of Part 60, Chapter I, Title 40, of the Code of Federal Regulations, (40 CFR 60), applicable to the subparts listed in this Regulation are hereby adopted by reference on the date shown and made part of the Air Pollution Control District Rules and Regulations. Whenever any source is subject to more than one rule, regulation, provision, or requirement relating to the control of any air contaminant, in cases of conflict or duplication the most stringent rule, regulation, provision, or requirement shall apply.

All new sources of air pollution and all modified or reconstructed sources of air pollution shall comply with the applicable standards, criteria, and requirements set forth herein. For the purpose of this Regulation, the word "Administrator" as used in 40 CFR 60 shall mean the Air Pollution Control Officer of the San Diego County Air Pollution Control District, except that the Air Pollution Control Officer shall not be empowered to approve alternate test methods, alternate standards or work practices. Other deviations, if any, from the provisions of 40 CFR 60 which are adopted by the Air Pollution Control Board are noted in the reference to the affected Subpart.

The U.S. Environmental Protection Agency (EPA) retains concurrent enforcement authority for these standards pursuant to Section 113 of the federal Clean Air Act, as amended, if the EPA Administrator desires to exercise it, including those not yet adopted by the Air Pollution Control District.

The addition of federal Subparts by reference to Regulation X shall take effect and be in force on the date of delegation of enforcement authority to the San Diego County Air Pollution Control District by EPA.

SUBPART D
40CFR60.40-46

STANDARDS OF PERFORMANCE FOR FOSSIL-FUEL-FIRED STEAM GENERATORS FOR WHICH CONSTRUCTION IS COMMENCED AFTER AUGUST 17, 1971

FR Citation	Adoption Date	Delegation Date
39 FR 20791, June 14, 1974	October 17, 2001	Pending
40 FR 2803, Jan. 16, 1975	October 17, 2001	Pending
40 FR 46256, Oct. 6, 1975	October 17, 2001	Pending
41 FR 51398, Nov. 22, 1976	October 17, 2001	Pending
42 FR 37936, July 25, 1977	October 17, 2001	Pending

42 FR 61537, Dec. 5, 1977	October 17, 2001	Pending
43 FR 9278, Mar. 7, 1978	October 17, 2001	Pending
44 FR 33612, June 17, 1979	October 17, 2001	Pending
44 FR 76787, Dec. 28, 1979	October 17, 2001	Pending
45 FR 36077, May 29, 1980	October 17, 2001	Pending
45 FR 47146, July 14, 1980	October 17, 2001	Pending
46 FR 57498, Nov. 24, 1981	October 17, 2001	Pending
48 FR 3736, Jan. 27, 1983	October 17, 2001	Pending
51 FR 42797, Nov. 25, 1986	October 17, 2001	Pending
52 FR 28954, Aug. 4, 1987	October 17, 2001	Pending
54 FR 6662, Feb. 14, 1989	October 17, 2001	Pending
54 FR 21344, May 17, 1989	October 17, 2001	Pending
55 FR 5212, Feb. 14, 1990	October 17, 2001	Pending
61 FR 49976, Sept. 24, 1996	October 17, 2001	Pending
65 FR 61752, Oct. 17, 2000	Not Yet Adopted	

SUBPART Da
40CFR60.40a-49a

STANDARDS OF PERFORMANCE FOR ELECTRIC UTILITY STEAM GENERATING UNITS FOR WHICH CONSTRUCTION IS COMMENCED AFTER SEPTEMBER 18, 1978

FR Citation	**Adoption Date**	**Delegation Date**
44 FR 33613, June 11, 1979	October 17, 2001	Pending
48 F4 3737, Jan. 27, 1983	October 17, 2001	Pending
54 FR 6663, Feb. 14, 1989	October 17, 2001	Pending
54 FR 21344, May 17, 1989	October 17, 2001	Pending
55 FR 5212, Feb. 14, 1990	October 17, 2001	Pending
55 FR 18876, May 7, 1990	October 17, 2001	Pending
63 FR 49453, Sept. 16, 1998	October 17, 2001	Pending
64 FR 7464, Feb. 12, 1999	October 17, 2001	Pending
65 FR 61752, Oct. 17, 2000	October 17, 2001	Pending
66 FR 18551, April 10, 2001	October 17, 2001	Pending
66 FR 31178, June 11, 2001	October 17, 2001	Pending
66 FR 42610, Aug. 14, 2001	Not Yet Adopted	
70 FR 28653, May 18, 2005	Not Yet Adopted	
70 FR 51268, Aug. 30, 2005	Not Yet Adopted	
71 FR 9876, Feb. 27, 2006	Not Yet Adopted	
71 FR 33399, June 9, 2006	Not Yet Adopted	

SUBPART Db
40CFR60.40b-49b

STANDARDS OF PERFORMANCE FOR INDUSTRIAL-COMMERCIAL-INSTITUTIONAL STEAM GENERATING UNITS

FR Citation	**Adoption Date**	**Delegation Date**
51 FR 42768, Nov. 25, 1986	April 25, 2001	Pending
52 FR 47842, Dec. 16, 1987	April 25, 2001	Pending
54 FR 51824, Dec. 18, 1989	April 25, 2001	Pending
54 FR 51819, Dec. 18, 1989	April 25, 2001	Pending
55 FR 5212, Feb. 14, 1990	April 25, 2001	Pending
55 FR 18876, May 7, 1990	April 25, 2001	Pending
60 FR 28062, May 30, 1995	April 25, 2001	Pending
61 FR 14031, Mar. 29, 1996	April 25, 2001	Pending
62 FR 52641, Oct. 8, 1997	April 25, 2001	Pending
63 FR 49454, Sept. 16, 1998	April 25, 2001	Pending

64 FR 7464, Feb. 12, 1999	April 25, 2001	Pending
65 FR 13243, Mar. 13, 2000	April 25, 2001	Pending
65 FR 61752, Oct. 17, 2000	Not Yet Adopted	
66 FR 18553, April 10, 2001	Not Yet Adopted	
66 FR 42610, Aug. 14, 2001	Not Yet Adopted	
66 FR 49834, Oct. 1, 2001	Not Yet Adopted	
69 FR 40773, July 7, 2004	Not Yet Adopted	
71 FR 9881, Feb. 27, 2006	Not Yet Adopted	
71 FR 33400, June 9, 2006	Not Yet Adopted	

SUBPART Dc
40CFR60.40c-48c

STANDARDS OF PERFORMANCE FOR SMALL INDUSTRIAL-COMMERCIAL-INSTITUTIONAL STEAM GENERATING UNITS

FR Citation	**Adoption Date**	**Delegation Date**
55 FR 37683, Sept. 12, 1990	Aug. 13, 1997	June 24, 1998
61 FR 20736, May 8, 1996	Aug. 13, 1997	June 24, 1998
64 FR 7465, Feb. 12, 1999	Not Yet Adopted	
65 FR 61752, Oct. 17, 2000	Not Yet Adopted	
71 FR 9884, Feb. 27, 2006	Not Yet Adopted	

SUBPART Eb
40CFR60.50b-59b

STANDARDS OF PERFORMANCE FOR LARGE MUNICIPAL WASTE COMBUSTORS FOR WHICH CONSTRUCTION IS COMMENCED AFTER SEPTEMBER 20, 1994 OR FOR WHICH MODIFCATION OR RECONSTRUCTION COMMENCED AFTER JUNE 19, 1996

FR Citation	**Adoption Date**	**Delegation Date**
60 FR 65419, Dec. 19, 1995	*(Date of Adoption)*	
62 FR 45120 ,Aug. 25, 1997	*(Date of Adoption)*	
62 FR 45125 ,Aug. 25, 1997	*(Date of Adoption)*	
65 FR 61753, Oct. 17, 2000	*(Date of Adoption)*	
66 FR 36476, July 12, 2001	*(Date of Adoption)*	
66 FR 57827, Nov. 16, 2001	*(Date of Adoption)*	
71 FR 27335, May 10, 2006	*(Date of Adoption)*	

SUBPART Ec
40CFR60.50c-58c

STANDARDS OF PERFORMANCE FOR HOSPITAL/MEDICAL/ INFECTIOUS WASTE INCINERATORS FOR WHICH CONSTRUCTION IS COMMENCED AFTER JUNE 20, 1996

FR Citation	**Adoption Date**	**Delegation Date**
62 FR 48382, Sept. 15, 1997	*(Date of Adoption)*	
65 FR 61753, Oct. 17, 2000	*(Date of Adoption)*	

SUBPART K
40CFR60.110-113

STANDARDS OF PERFORMANCE FOR STORAGE VESSELS FOR PETROLEUM LIQUIDS FOR WHICH CONSTRUCTION, RECONSTRUCTION, OR MODIFICATION COMMENCED AFTER JUNE 11, 1973, AND PRIOR TO MAY 19, 1978

FR Citation	**Adoption Date**	**Delegation Date**
39 FR 9317, March 8, 1974	*(Date of Adoption)*	

39 FR 13776, April 17, 1974	*(Date of Adoption)*
39 FR 20794, June 14, 1974	*(Date of Adoption)*
42 FR 37937, July 25, 1977	*(Date of Adoption)*
45 FR 23379, April 4, 1980	*(Date of Adoption)*
48 FR 3737, Jan. 27, 1983	*(Date of Adoption)*
52 FR 11429, April 8, 1987	*(Date of Adoption)*
65 FR 61755, Oct. 17, 2000	*(Date of Adoption)*

SUBPART Ka
40CFR60.110a-115a

STANDARDS OF PERFORMANCE FOR STORAGE VESSELS FOR PETROLEUM LIQUIDS FOR WHICH CONSTRUCTION, RECONSTRUCTION, OR MODIFICATION COMMENCED AFTER May 18, 1978, AND PRIOR TO July 23, 1984

FR Citation	Adoption Date	Delegation Date
45 FR 23379, April 4, 1980	*(Date of Adoption)*	
45 FR 83229, Dec. 18,1980	*(Date of Adoption)*	
48 FR 3737, Jan. 27, 1983	*(Date of Adoption)*	
52 FR 11429, April 8, 1987	*(Date of Adoption)*	
65 FR 61756, Oct. 17, 2000	*(Date of Adoption)*	
65 FR 78275, Dec. 14, 2000	*(Date of Adoption)*	

SUBPART Kb
40CFR60.110b-117b

STANDARDS OF PERFORMANCE FOR VOLATILE ORGANIC LIQUID STORAGE VESSELS (INCLUDING PETROLEUM LIQUID STORAGE VESSELS) FOR WHICH CONSTRUCTION, RECONSTRUCTION, OR MODIFICATION COMMENCED AFTER JULY 23, 1984

FR Citation	Adoption Date	Delegation Date
52 FR 11429, Aug. 11, 1987	*(Date of Adoption)*	
52 FR 22780, June 16, 1987	*(Date of Adoption)*	
54 FR 32973, Aug. 11, 1989	*(Date of Adoption)*	
62 FR 52641, Oct. 8, 1997	*(Date of Adoption)*	
65 FR 61756, Oct. 17, 2000	*(Date of Adoption)*	
65 FR 78275, Dec. 14, 2000	*(Date of Adoption)*	
68 FR 59332, Oct. 15, 2003	*(Date of Adoption)*	

SUBPART GG
40CFR60.330-335

STANDARDS OF PERFORMANCE FOR STATIONARY GAS TURBINES

FR Citation	Adoption Date	Delegation Date
44 FR 52798, Sept. 10, 1979	October 17, 2001	Pending
47 FR 3770, Jan. 27, 1982	October 17, 2001	Pending
52 FR 42434, Nov. 5, 1987	October 17, 2001	Pending
54 FR 6675 Feb. 14, 1989	October 17, 2001	Pending
54 FR 27016, June 27, 1989	October 17, 2001	Pending
65 FR 61759, Oct. 17, 2000	Not Yet Adopted	
69 FR 41359, July 8, 2004	Not Yet Adopted	
71 FR 9458, Feb. 24, 2006	Not Yet Adopted	

SUBPART AAA
40CFR60.530-539b

STANDARDS OF PERFORMANCE FOR NEW RESIDENTIAL WOOD HEATERS

FR Citation	Adoption Date	Delegation Date
53 FR 5873, Feb. 26, 1988	April 12, 2000	Pending
53 FR 12009, April 12, 1988	April 12, 2000	Pending
53 FR 14889, April 26, 1988	April 12, 2000	Pending
57 FR 5328, Feb. 13, 1992	April 12, 2000	Pending
60 FR 33925, June 29, 1995	April 12, 2000	Pending
63 FR 64874, Nov. 24, 1998	April 12, 2000	Pending
64 FR 7466, Feb. 12, 1999	April 12, 2000	Pending
65 FR 61763, Oct. 17, 2000	Not Yet Adopted	

SUBPART OOO
40CFR60.670-676

STANDARDS OF PERFORMANCE FOR NONMETALLIC MINERAL PROCESSING PLANTS

FR Citation	Adoption Date	Delegation Date
50 FR 31328, Aug. 1, 1985	April 28, 1999	May 28, 2002
54 FR 6680, Feb. 14, 1989	Not Yet Adopted	
62 FR 31351, June 9, 1997	April 28, 1999	May 28, 2002
65 FR 61778, Oct. 17, 2000	Not Yet Adopted	

SUBPART UUU
40CFR60.730-737

STANDARDS OF PERFORMANCE FOR CALCINERS AND DRYERS IN MINERAL INDUSTRIES

FR Citation	Adoption Date	Delegation Date
57 FR 44503, Sept. 28, 1992	Nov. 17, 1999	May 28, 2002
58 FR 40591, July 29, 1993	Nov. 17, 1999	May 28, 2002
65 FR 61778, Oct. 17, 2000	Not Yet Adopted	

SUBPART VVV
40CFR60.740-748

STANDARDS OF PERFORMANCE FOR POLYMERIC COATING OF SUPPORTING SUBSTRATES

FR Citation	Adoption Date	Delegation Date
54 FR 37551, Sept. 11, 1989	*May 23, 2007*	

SUBPART WWW
40CFR60.750-759

STANDARDS OF PERFORMANCE FOR MUNICIPAL SOLID WASTE LANDFILLS

FR Citation	Adoption Date	Delegation Date
61 FR 9919, Mar. 12, 1996	Aug. 13, 1997	June 24, 1998
63 FR 32750, June 16. 1998	Not Yet Adopted	
64 FR 9262, Feb. 24, 1999	Not Yet Adopted	
65 FR 18908, Apr. 10, 2000	Not Yet Adopted	
65 FR 61778, Oct. 17, 2000	Not Yet Adopted	
71 FR 55127, Sept. 21, 2006	Not Yet Adopted	

SUBPART AAAA 40CFR60.1000-1465	STANDARDS OF PERFORMANCE FOR SMALL MUNICIPAL WASTE COMBUSTION UNITS FOR WHICH CONSTRUCTION IS COMMENCED AFTER AUGUST 30, 1999 OR FOR WHICH MODIFICATION OR RECONSTRUCTION IS COMMENCED AFTER JUNE 6, 2001		
	FR Citation	**Adoption Date**	**Delegation Date**
	65 FR 76355, Dec. 6, 2000	*(Date of Adoption)*	
SUBPART CCCC 40CFR60.2000-2265	STANDARDS OF PERFORMANCE FOR COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION UNITS FOR WHICH CONSTRUCTION IS COMMENCED AFTER NOVEMBER 30, 1999 OR FOR WHICH MODIFICATION OR RECONSTRUCTION IS COMMENCED ON OR AFTER JUNE 2, 2001		
	FR Citation	**Adoption Date**	**Delegation Date**
	65 FR 75350, Dec. 1, 2000	*(Date of Adoption)*	
	66 FR 16606, Mar. 27, 2001	*(Date of Adoption)*	
	70 FR 55580, Sept. 22, 2005	*(Date of Adoption)*	
SUBPART EEEE 40CFR60.2880-2977	STANDARDS OF PERFORMANCE FOR OTHER SOLID WASTE INCINERATION UNITS FOR WHICH CONSTRUCTION IS COMMENCED AFTER DECEMBER 9, 2004, OR FOR WHICH MODIFICATION OR RECONSTRUCTION IS COMMENCED ON OR AFTER JUNE 16, 2006.		
	FR Citation	**Adoption Date**	**Delegation Date**
	70 FR 74892, Dec. 16, 2005	*(Date of Adoption)*	

ATTACHMENT C

NEW SOURCE PERFORMANCE STANDARDS (NSPS)

SUBPARTS K, Ka, AND Kb

TABLE OF CONTENTS

Subpart K—Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978

Electronic Code of Federal Regulations e-CFR Data is current as of April 3, 2007
Title 40: Protection of Environment
Part 60—Standards Of Performance For New Stationary Sources

§ 60.110 Applicability and designation of affected facility.

(a) Except as provided in §60.110(b), the affected facility to which this subpart applies is each storage vessel for petroleum liquids which has a storage capacity greater than 151,412 liters (40,000 gallons).

(b) This subpart does not apply to storage vessels for petroleum or condensate stored, processed, and/or treated at a drilling and production facility prior to custody transfer.

(c) Subject to the requirements of this subpart is any facility under paragraph (a) of this section which:

(1) Has a capacity greater than 151, 416 liters (40,000 gallons), but not exceeding 246,052 liters (65,000 gallons), and commences construction or modification after March 8, 1974, and prior to May 19, 1978.

(2) Has a capacity greater than 246,052 liters (65,000 gallons) and commences construction or modification after June 11, 1973, and prior to May 19, 1978.

[42 FR 37937, July 25, 1977, as amended at 45 FR 23379, Apr. 4, 1980]

§ 60.111 Definitions.

As used in this subpart, all terms not defined herein shall have the meaning given them in the Act and in subpart A of this part.

(a) Storage vessel means any tank, reservoir, or container used for the storage of petroleum liquids, but does not include:

(1) Pressure vessels which are designed to operate in excess of 15 pounds per square inch gauge without emissions to the atmosphere except under emergency conditions,

(2) Subsurface caverns or porous rock reservoirs, or

(3) Underground tanks if the total volume of petroleum liquids added to and taken from a tank annually does not exceed twice the volume of the tank.

(b) Petroleum liquids means petroleum, condensate, and any finished or intermediate products manufactured in a petroleum refinery but does not mean Nos. 2 through 6 fuel oils as specified in ASTM D396–78, 89, 90, 92, 96, or 98, gas turbine fuel oils Nos. 2–GT through 4–GT as specified

in ASTM D2880–78 or 96, or diesel fuel oils Nos. 2–D and 4–D as specified in ASTM D975–78, 96, or 98a. (These three methods are incorporated by reference—see §60.17.)

(c) Petroleum refinery means each facility engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils, lubricants, or other products through distillation of petroleum or through redistillation, cracking, extracting, or reforming of unfinished petroleum derivatives.

(d) Petroleum means the crude oil removed from the earth and the oils derived from tar sands, shale, and coal.

(e) Hydrocarbon means any organic compound consisting predominantly of carbon and hydrogen.

(f) Condensate means hydrocarbon liquid separated from natural gas which condenses due to changes in the temperature and/or pressure and remains liquid at standard conditions.

(g) Custody transfer means the transfer of produced petroleum and/or condensate, after processing and/or treating in the producing operations, from storage tanks or automatic transfer facilities to pipelines or any other forms of transportation.

(h) Drilling and production facility means all drilling and servicing equipment, wells, flow lines, separators, equipment, gathering lines, and auxiliary nontransportation-related equipment used in the production of petroleum but does not include natural gasoline plants.

(i) True vapor pressure means the equilibrium partial pressure exerted by a petroleum liquid as determined in accordance with methods described in American Petroleum Institute Bulletin 2517, Evaporation Loss from External Floating-Roof Tanks, Second Edition, February 1980 (incorporated by reference—see §60.17).

(j) Floating roof means a storage vessel cover consisting of a double deck, pontoon single deck, internal floating cover or covered floating roof, which rests upon and is supported by the petroleum liquid being contained, and is equipped with a closure seal or seals to close the space between the roof edge and tank wall.

(k) Vapor recovery system means a vapor gathering system capable of collecting all hydrocarbon vapors and gases discharged from the storage vessel and a vapor disposal system capable of processing such hydrocarbon vapors and gases so as to prevent their emission to the atmosphere.

(l) Reid vapor pressure is the absolute vapor pressure of volatile crude oil and volatile nonviscous petroleum liquids, except liquified petroleum gases, as determined by ASTM D323–82 or 94 (incorporated by reference—see §60.17).

[39 FR 9317, Mar. 8, 1974; 39 FR 13776, Apr. 17, 1974, as amended at 39 FR 20794, June 14, 1974; 45 FR 23379, Apr. 4, 1980; 48 FR 3737, Jan. 27, 1983; 52 FR 11429, Apr. 8, 1987; 65 FR 61755, Oct. 17, 2000]

§ 60.112 Standard for volatile organic compounds (VOC).

(a) The owner or operator of any storage vessel to which this subpart applies shall store petroleum liquids as follows:

(1) If the true vapor pressure of the petroleum liquid, as stored, is equal to or greater than 78 mm Hg (1.5 psia) but not greater than 570 mm Hg (11.1 psia), the storage vessel shall be equipped with a floating roof, a vapor recovery system, or their equivalents.

(2) If the true vapor pressure of the petroleum liquid as stored is greater than 570 mm Hg (11.1 psia), the storage vessel shall be equipped with a vapor recovery system or its equivalent.

[39 FR 9317, Mar. 8, 1974; 39 FR 13776, Apr. 17, 1974, as amended at 45 FR 23379, Apr. 4, 1980]

§ 60.113 Monitoring of operations.

(a) Except as provided in paragraph (d) of this section, the owner or operator subject to this subpart shall maintain a record of the petroleum liquid stored, the period of storage, and the maximum true vapor pressure of that liquid during the respective storage period.

(b) Available data on the typical Reid vapor pressure and the maximum expected storage temperature of the stored product may be used to determine the maximum true vapor pressure from nomographs contained in API Bulletin 2517, unless the Administrator specifically requests that the liquid be sampled, the actual storage temperature determined, and the Reid vapor pressure determined from the sample(s).

(c) The true vapor pressure of each type of crude oil with a Reid vapor pressure less than 13.8 kPa (2.0 psia) or whose physical properties preclude determination by the recommended method is to be determined from available data and recorded if the estimated true vapor pressure is greater than 6.9 kPa (1.0 psia).

(d) The following are exempt from the requirements of this section:

(1) Each owner or operator of each affected facility which stores petroleum liquids with a Reid vapor pressure of less than 6.9 kPa (1.0 psia) provided the maximum true vapor pressure does not exceed 6.9 kPa (1.0 psia).

(2) Each owner or operator of each affected facility equipped with a vapor recovery and return or disposal system in accordance with the requirements of §60.112.

[45 FR 23379, Apr. 4, 1980]

Subpart Ka—Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984

Electronic Code Of Federal Regulations E-CFR Data Is Current As of April 3, 2007
Title 40: Protection of Environment
Part 60—Standards of Performance For New Stationary Sources

§ 60.110a Applicability and designation of affected facility.

(a) Affected facility. Except as provided in paragraph (b) of this section, the affected facility to which this subpart applies is each storage vessel with a storage capacity greater than 151,416 liters (40,000 gallons) that is used to store petroleum liquids for which construction is commenced after May 18, 1978.

(b) Each petroleum liquid storage vessel with a capacity of less than 1,589,873 liters (420,000 gallons) used for petroleum or condensate stored, processed, or treated prior to custody transfer is not an affected facility and, therefore, is exempt from the requirements of this subpart.

(c) Alternative means of compliance —(1) Option to comply with part 65. Owners or operators may choose to comply with 40 CFR part 65, subpart C, to satisfy the requirements of §§60.112a through 60.114a for storage vessels that are subject to this subpart that store petroleum liquids that, as stored, have a maximum true vapor pressure equal to or greater than 10.3 kPa (1.5 psia). Other provisions applying to owners or operators who choose to comply with 40 CFR part 65 are provided in 40 CFR 65.1.

(2) Part 60, subpart A. Owners or operators who choose to comply with 40 CFR part 65, subpart C, must also comply with §§60.1, 60.2, 60.5, 60.6, 60.7(a)(1) and (4), 60.14, 60.15, and 60.16 for those storage vessels. All sections and paragraphs of subpart A of this part that are not mentioned in this paragraph (c)(2) do not apply to owners or operators of storage vessels complying with 40 CFR part 65, subpart C, except that provisions required to be met prior to implementing 40 CFR part 65 still apply. Owners and operators who choose to comply with 40 CFR part 65, subpart C, must comply with 40 CFR part 65, subpart A.

[45 FR 23379, Apr. 4, 1980, as amended at 65 FR 78275, Dec. 14, 2000]

§ 60.111a Definitions.

In addition to the terms and their definitions listed in the Act and subpart A of this part the following definitions apply in this subpart:

(a) Storage vessel means each tank, reservoir, or container used for the storage of petroleum liquids, but does not include:

(1) Pressure vessels which are designed to operate in excess of 204.9 kPa (15 psig) without emissions to the atmosphere except under emergency conditions.

(2) Subsurface caverns or porous rock reservoirs, or

(3) Underground tanks if the total volume of petroleum liquids added to and taken from a tank annually does not exceed twice the volume of the tank.

(b) Petroleum liquids means petroleum, condensate, and any finished or intermediate products manufactured in a petroleum refinery but does not mean Nos. 2 through 6 fuel oils as specified in ASTM D396–78, 89, 90, 92, 96, or 98, gas turbine fuel oils Nos. 2–GT through 4–GT as specified in ASTM D2880–78 or 96, gas turbine fuel oils Nos. 2–GT through 4–GT as specified in ASTM D2880–78 or 96, or diesel fuel oils Nos. 2–D and 4–D as specified in ASTM D975–78, 96, or 98a. (These three methods are incorporated by reference—see §60.17.)

(c) Petroleum refinery means each facility engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils, lubricants, or other products through distillation of petroleum or through redistillation, cracking, extracting, or reforming of unfinished petroleum derivatives.

(d) Petroleum means the crude oil removed from the earth and the oils derived from tar sands, shale, and coal.

(e) Condensate means hydrocarbon liquid separated from natural gas which condenses due to changes in the temperature or pressure, or both, and remains liquid at standard conditions.

(f) True vapor pressure means the equilibrium partial pressure exerted by a petroleum liquid such as determined in accordance with methods described in American Petroleum Institute Bulletin 2517, Evaporation Loss from External Floating-Roof Tanks, Second Edition, February 1980 (incorporated by reference—see §60.17).

(g) Reid vapor pressure is the absolute vapor pressure of volatile crude oil and nonviscous petroleum liquids, except liquified petroleum gases, as determined by ASTM D323–82 or 94 (incorporated by reference—see §60.17).

(h) Liquid-mounted seal means a foam or liquid-filled primary seal mounted in contact with the liquid between the tank wall and the floating roof continuously around the circumference of the tank.

(i) Metallic shoe seal includes but is not limited to a metal sheet held vertically against the tank wall by springs or weighted levers and is connected by braces to the floating roof. A flexible coated fabric (envelope) spans the annular space between the metal sheet and the floating roof.

(j) Vapor-mounted seal means a foam-filled primary seal mounted continuously around the circumference of the tank so there is an annular vapor space underneath the seal. The annular vapor space is bounded by the bottom of the primary seal, the tank wall, the liquid surface, and the floating roof.

(k) Custody transfer means the transfer of produced petroleum and/or condensate, after processing and/or treating in the producing operations, from storage tanks or automatic transfer facilities to pipelines or any other forms of transportation.

[45 FR 23379, Apr. 4, 1980, as amended at 48 FR 3737, Jan. 27, 1983; 52 FR 11429, Apr. 8, 1987; 65 FR 61756, Oct. 17, 2000]

§ 60.112a Standard for volatile organic compounds (VOC).

(a) The owner or operator of each storage vessel to which this subpart applies which contains a petroleum liquid which, as stored, has a true vapor pressure equal to or greater than 10.3 kPa (1.5 psia) but not greater than 76.6 kPa (11.1 psia) shall equip the storage vessel with one of the following:

(1) An external floating roof, consisting of a pontoon-type or double-deck-type cover that rests on the surface of the liquid contents and is equipped with a closure device between the tank wall and the roof edge. Except as provided in paragraph (a)(1)(ii)(D) of this section, the closure device is to consist of two seals, one above the other. The lower seal is referred to as the primary seal and the upper seal is referred to as the secondary seal. The roof is to be floating on the liquid at all times (i.e., off the roof leg supports) except during initial fill and when the tank is completely emptied and subsequently refilled. The process of emptying and refilling when the roof is resting on the leg supports shall be continuous and shall be accomplished as rapidly as possible.

(i) The primary seal is to be either a metallic shoe seal, a liquid-mounted seal, or a vapor-mounted seal. Each seal is to meet the following requirements:

(A) The accumulated area of gaps between the tank wall and the metallic shoe seal or the liquid-mounted seal shall not exceed 212 cm^2 per meter of tank diameter (10.0 in^2 per ft of tank diameter) and the width of any portion of any gap shall not exceed 3.81 cm (11/2in).

(B) The accumulated area of gaps between the tank wall and the vapor-mounted seal shall not exceed 21.2 cm^2 per meter of tank diameter (1.0 in^2 per ft of tank diameter) and the width of any portion of any gap shall not exceed 1.27 cm (1/2in).

(C) One end of the metallic shoe is to extend into the stored liquid and the other end is to extend a minimum vertical distance of 61 cm (24 in) above the stored liquid surface.

(D) There are to be no holes, tears, or other openings in the shoe, seal fabric, or seal envelope.

(ii) The secondary seal is to meet the following requirements:

(A) The secondary seal is to be installed above the primary seal so that it completely covers the space between the roof edge and the tank wall except as provided in paragraph (a)(1)(ii)(B) of this section.

(B) The accumulated area of gaps between the tank wall and the secondary seal used in combination with a metallic shoe or liquid-mounted primary seal shall not exceed 21.2 cm^2 per meter of tank diameter (1.0 in^2 per ft. of tank diameter) and the width of any portion of any gap shall not exceed 1.27 cm (1/2in.). There shall be no gaps between the tank wall and the secondary seal used in combination with a vapor-mounted primary seal.

(C) There are to be no holes, tears or other openings in the seal or seal fabric.

(D) The owner or operator is exempted from the requirements for secondary seals and the secondary seal gap criteria when performing gap measurements or inspections of the primary seal.

(iii) Each opening in the roof except for automatic bleeder vents and rim space vents is to provide a projection below the liquid surface. Each opening in the roof except for automatic bleeder vents, rim space vents and leg sleeves is to be equipped with a cover, seal or lid which is to be maintained in a closed position at all times (i.e., no visible gap) except when the device is in actual use or as described in pargraph (a)(1)(iv) of this section. Automatic bleeder vents are to be closed at all times when the roof is floating, except when the roof is being floated off or is being landed on the roof leg supports. Rim vents are to be set to open when the roof is being floated off the roof legs supports or at the manufacturer's recommended setting.

(iv) Each emergency roof drain is to be provided with a slotted membrane fabric cover that covers at least 90 percent of the area of the opening.

(2) A fixed roof with an internal floating type cover equipped with a continuous closure device between the tank wall and the cover edge. The cover is to be floating at all times, (i.e., off the leg supports) except during initial fill and when the tank is completely emptied and subsequently refilled. The process of emptying and refilling when the cover is resting on the leg supports shall be continuous and shall be accomplished as rapidly as possible. Each opening in the cover except for automatic bleeder vents and the rim space vents is to provide a projection below the liquid surface. Each opening in the cover except for automatic bleeder vents, rim space vents, stub drains and leg sleeves is to be equipped with a cover, seal, or lid which is to be maintained in a closed position at all times (i.e., no visible gap) except when the device is in actual use. Automatic bleeder vents are to be closed at all times when the cover is floating except when the cover is being floated off or is being landed on the leg supports. Rim vents are to be set to open only when the cover is being floated off the leg supports or at the manufacturer's recommended setting.

(3) A vapor recovery system which collects all VOC vapors and gases discharged from the storage vessel, and a vapor return or disposal system which is designed to process such VOC vapors and gases so as to reduce their emission to the atmosphere by at least 95 percent by weight.

(4) A system equivalent to those described in paragraphs (a)(1), (a)(2), or (a)(3) of this section as provided in §60.114a.

(b) The owner or operator of each storage vessel to which this subpart applies which contains a petroleum liquid which, as stored, has a true vapor pressure greater than 76.6 kPa (11.1 psia), shall equip the storage vessel with a vapor recovery system which collects all VOC vapors and gases discharged from the storage vessel, and a vapor return or disposal system which is designed to process such VOC vapors and gases so as to reduce their emission to the atmosphere by at least 95 percent by weight.

[45 FR 23379, Apr. 4, 1980, as amended at 45 FR 83229, Dec. 18, 1980]

§ 60.113a Testing and procedures.

(a) Except as provided in §60.8(b) compliance with the standard prescribed in §60.112a shall be determined as follows or in accordance with an equivalent procedure as provided in §60.114a.

(1) The owner or operator of each storage vessel to which this subpart applies which has an external floating roof shall meet the following requirements:

(i) Determine the gap areas and maximum gap widths between the primary seal and the tank wall and between the secondary seal and the tank wall according to the following frequency:

(A) For primary seals, gap measurements shall be performed within 60 days of the initial fill with petroleum liquid and at least once every five years thereafter. All primary seal inspections or gap measurements which require the removal or dislodging of the secondary seal shall be accomplished as rapidly as possible and the secondary seal shall be replaced as soon as possible.

(B) For secondary seals, gap measurements shall be performed within 60 days of the initial fill with petroleum liquid and at least once every year thereafter.

(C) If any storage vessel is out of service for a period of one year or more, subsequent refilling with petroleum liquid shall be considered initial fill for the purposes of paragraphs (a)(1)(i)(A) and (a)(1)(i)(B) of this section.

(D) Keep records of each gap measurement at the plant for a period of at least 2 years following the date of measurement. Each record shall identify the vessel on which the measurement was performed and shall contain the date of the seal gap measurement, the raw data obtained in the measurement process required by paragraph (a)(1)(ii) of this section and the calculation required by paragraph (a)(1)(iii) of this section.

(E) If either the seal gap calculated in accord with paragraph (a)(1)(iii) of this section or the measured maximum seal gap exceeds the limitations specified by §60.112a of this subpart, a report shall be furnished to the Administrator within 60 days of the date of measurements. The report shall identify the vessel and list each reason why the vessel did not meet the specifications of §60.112a. The report shall also describe the actions necessary to bring the storage vessel into compliance with the specifications of §60.112a.

(ii) Determine gap widths in the primary and secondary seals individually by the following procedures:

(A) Measure seal gaps, if any, at one or more floating roof levels when the roof is floating off the roof leg supports.

(B) Measure seal gaps around the entire circumference of the tank in each place where a1/8&inch; diameter uniform probe passes freely (without forcing or binding against seal) between the seal and the tank wall and measure the circumferential distance of each such location.

(C) The total surface area of each gap described in paragraph (a)(1)(ii)(B) of this section shall be determined by using probes of various widths to accurately measure the actual distance from the tank wall to the seal and multiplying each such width by its respective circumferential distance.

(iii) Add the gap surface area of each gap location for the primary seal and the secondary seal individually. Divide the sum for each seal by the nominal diameter of the tank and compare each ratio to the appropriate ratio in the standard in §60.112a(a)(1)(i) and §60.112a(a)(1)(ii).

(iv) Provide the Administrator 30 days prior notice of the gap measurement to afford the Administrator the opportunity to have an observer present.

(2) The owner or operator of each storage vessel to which this subpart applies which has a vapor recovery and return or disposal system shall provide the following information to the Administrator on or before the date on which construction of the storage vessel commences:

(i) Emission data, if available, for a similar vapor recovery and return or disposal system used on the same type of storage vessel, which can be used to determine the efficiency of the system. A complete description of the emission measurement method used must be included.

(ii) The manufacturer's design specifications and estimated emission reduction capability of the system.

(iii) The operation and maintenance plan for the system.

(iv) Any other information which will be useful to the Administrator in evaluating the effectiveness of the system in reducing VOC emissions.
[45 FR 23379, Apr. 4, 1980, as amended at 52 FR 11429, Apr. 8, 1987]

§ 60.114a Alternative means of emission limitation.

(a) If, in the Administrator's judgment, an alternative means of emission limitation will achieve a reduction in emissions at least equivalent to the reduction in emissions achieved by any requirement in §60.112a, the Administrator will publish in theFederal Registera notice permitting the use of the alternative means for purposes of compliance with that requirement.

(b) Any notice under paragraph (a) of this section will be published only after notice and an opportunity for a hearing.

(c) Any person seeking permission under this section shall submit to the Administrator a written application including:

(1) An actual emissions test that uses a full-sized or scale-model storage vessel that accurately collects and measures all VOC emissions from a given control device and that accurately simulates wind and accounts for other emission variables such as temperature and barometric pressure.

(2) An engineering evaluation that the Administrator determines is an accurate method of determining equivalence.

(d) The Administrator may condition the permission on requirements that may be necessary to ensure operation and maintenance to achieve the same emissions reduction as specified in §60.112a.

(e) The primary vapor-mounted seal in the "Volume-Maximizing Seal" manufactured by R.F.I. Services Corporation is approved as equivalent to the vapor-mounted seal required by §60.112a(a)(1)(i) and must meet the gap criteria specified in §60.112a(a)(1)(i)(B). There shall be no gaps between the tank wall and any secondary seal used in conjunction with the primary seal in the "Volume-Maximizing Seal".
[52 FR 11429, Apr. 8, 1987]

§ 60.115a Monitoring of operations.

(a) Except as provided in paragraph (d) of this section, the owner or operator subject to this subpart shall maintain a record of the petroleum liquid stored, the period of storage, and the maximum true vapor pressure of that liquid during the respective storage period.

(b) Available data on the typical Reid vapor pressure and the maximum expected storage temperature of the stored product may be used to determine the maximum true vapor pressure from nomographs contained in API Bulletin 2517, unless the Administrator specifically requests that the liquid be sampled, the actual storage temperature determined, and the Reid vapor pressure determined from the sample(s).

(c) The true vapor pressure of each type of crude oil with a Reid vapor pressure less than 13.8 kPa (2.0 psia) or whose physical properties preclude determination by the recommended method is to be determined from available data and recorded if the estimated true vapor pressure is greater than 6.9 kPa (1.0 psia).

(d) The following are exempt from the requirements of this section:

(1) Each owner or operator of each storage vessel storing a petroleum liquid with a Reid vapor pressure of less than 6.9 kPa (1.0 psia) provided the maximum true vapor pressure does not exceed 6.9 kPa (1.0 psia).

(2) The owner or operator of each storage vessel equipped with a vapor recovery and return or disposal system in accordance with the requirements of §60.112a(a)(3) and (b), or a closed vent system and control device meeting the specifications of 40 CFR 65.42(b)(4), (b)(5), or (c).

[45 FR 23379, Apr. 4, 1980, as amended at 65 FR 78275, Dec. 14, 2000]

Subpart Kb—Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984

Electronic Code of Federal Regulations (e-CFR) data is current as of April 3, 2007

Title 40: Protection of Environment

Part 60—Standards Of Performance For New Stationary Sources
Source: 52 FR 11429, Apr. 8, 1987, unless otherwise noted.

§ 60.110b Applicability and designation of affected facility.

(a) Except as provided in paragraph (b) of this section, the affected facility to which this subpart applies is each storage vessel with a capacity greater than or equal to 75 cubic meters (m^3) that is used to store volatile organic liquids (VOL) for which construction, reconstruction, or modification is commenced after July 23, 1984.

(b) This subpart does not apply to storage vessels with a capacity greater than or equal to 151 m^3 storing a liquid with a maximum true vapor pressure less than 3.5 kilopascals (kPa) or with a capacity greater than or equal to 75 m^3 but less than 151 m^3 storing a liquid with a maximum true vapor pressure less than 15.0 kPa.

(c) [Reserved]

(d) This subpart does not apply to the following:

(1) Vessels at coke oven by-product plants.

(2) Pressure vessels designed to operate in excess of 204.9 kPa and without emissions to the atmosphere.

(3) Vessels permanently attached to mobile vehicles such as trucks, railcars, barges, or ships.

(4) Vessels with a design capacity less than or equal to 1,589.874 m^3 used for petroleum or condensate stored, processed, or treated prior to custody transfer.

(5) Vessels located at bulk gasoline plants.

(6) Storage vessels located at gasoline service stations.

(7) Vessels used to store beverage alcohol.

(8) Vessels subject to subpart GGGG of 40 CFR part 63.

(e) Alternative means of compliance —(1) Option to comply with part 65. Owners or operators may choose to comply with 40 CFR part 65, subpart C, to satisfy the requirements of §§60.112b through 60.117b for storage vessels that are subject to this subpart that meet the specifications in

paragraphs (e)(1)(i) and (ii) of this section. When choosing to comply with 40 CFR part 65, subpart C, the monitoring requirements of §60.116b(c), (e), (f)(1), and (g) still apply. Other provisions applying to owners or operators who choose to comply with 40 CFR part 65 are provided in 40 CFR 65.1.

(i) A storage vessel with a design capacity greater than or equal to 151 m^3 containing a VOL that, as stored, has a maximum true vapor pressure equal to or greater than 5.2 kPa; or

(ii) A storage vessel with a design capacity greater than 75 m^3 but less than 151 m^3 containing a VOL that, as stored, has a maximum true vapor pressure equal to or greater than 27.6 kPa.

(2) Part 60, subpart A. Owners or operators who choose to comply with 40 CFR part 65, subpart C, must also comply with §§60.1, 60.2, 60.5, 60.6, 60.7(a)(1) and (4), 60.14, 60.15, and 60.16 for those storage vessels. All sections and paragraphs of subpart A of this part that are not mentioned in this paragraph (e)(2) do not apply to owners or operators of storage vessels complying with 40 CFR part 65, subpart C, except that provisions required to be met prior to implementing 40 CFR part 65 still apply. Owners and operators who choose to comply with 40 CFR part 65, subpart C, must comply with 40 CFR part 65, subpart A.

(3) Internal floating roof report. If an owner or operator installs an internal floating roof and, at initial startup, chooses to comply with 40 CFR part 65, subpart C, a report shall be furnished to the Administrator stating that the control equipment meets the specifications of 40 CFR 65.43. This report shall be an attachment to the notification required by 40 CFR 65.5(b).

(4) External floating roof report. If an owner or operator installs an external floating roof and, at initial startup, chooses to comply with 40 CFR part 65, subpart C, a report shall be furnished to the Administrator stating that the control equipment meets the specifications of 40 CFR 65.44. This report shall be an attachment to the notification required by 40 CFR 65.5(b).

[52 FR 11429, Apr. 8, 1987, as amended at 54 FR 32973, Aug. 11, 1989; 65 FR 78275, Dec. 14, 2000; 68 FR 59332, Oct. 15, 2003]

§ 60.111b Definitions.

Terms used in this subpart are defined in the Act, in subpart A of this part, or in this subpart as follows:

Bulk gasoline plant means any gasoline distribution facility that has a gasoline throughput less than or equal to 75,700 liters per day. Gasoline throughput shall be the maximum calculated design throughput as may be limited by compliance with an enforceable condition under Federal requirement or Federal, State or local law, and discoverable by the Administrator and any other person.

Condensate means hydrocarbon liquid separated from natural gas that condenses due to changes in the temperature or pressure, or both, and remains liquid at standard conditions.

Custody transfer means the transfer of produced petroleum and/or condensate, after processing and/or treatment in the producing operations, from storage vessels or automatic transfer facilities to pipelines or any other forms of transportation.

Fill means the introduction of VOL into a storage vessel but not necessarily to complete capacity.

Gasoline service station means any site where gasoline is dispensed to motor vehicle fuel tanks from stationary storage tanks.

Maximum true vapor pressure means the equilibrium partial pressure exerted by the volatile organic compounds (as defined in 40 CFR 51.100) in the stored VOL at the temperature equal to the highest calendar-month average of the VOL storage temperature for VOL's stored above or below the ambient temperature or at the local maximum monthly average temperature as reported by the National Weather Service for VOL's stored at the ambient temperature, as determined:

(1) In accordance with methods described in American Petroleum institute Bulletin 2517, Evaporation Loss From External Floating Roof Tanks, (incorporated by reference—see §60.17); or

(2) As obtained from standard reference texts; or

(3) As determined by ASTM D2879–83, 96, or 97 (incorporated by reference—see §60.17);

(4) Any other method approved by the Administrator.

Petroleum means the crude oil removed from the earth and the oils derived from tar sands, shale, and coal.

Petroleum liquids means petroleum, condensate, and any finished or intermediate products manufactured in a petroleum refinery.

Process tank means a tank that is used within a process (including a solvent or raw material recovery process) to collect material discharged from a feedstock storage vessel or equipment within the process before the material is transferred to other equipment within the process, to a product or by-product storage vessel, or to a vessel used to store recovered solvent or raw material. In many process tanks, unit operations such as reactions and blending are conducted. Other process tanks, such as surge control vessels and bottoms receivers, however, may not involve unit operations.

Reid vapor pressure means the absolute vapor pressure of volatile crude oil and volatile nonviscous petroleum liquids except liquified petroleum gases, as determined by ASTM D323–82 or 94 (incorporated by reference—see §60.17).

Storage vessel means each tank, reservoir, or container used for the storage of volatile organic liquids but does not include:

(1) Frames, housing, auxiliary supports, or other components that are not directly involved in the containment of liquids or vapors;

(2) Subsurface caverns or porous rock reservoirs; or

(3) Process tanks.

Volatile organic liquid (VOL) means any organic liquid which can emit volatile organic compounds (as defined in 40 CFR 51.100) into the atmosphere.

Waste means any liquid resulting from industrial, commercial, mining or agricultural operations, or from community activities that is discarded or is being accumulated, stored, or physically, chemically, or biologically treated prior to being discarded or recycled.

[52 FR 11429, Apr. 8, 1987, as amended at 54 FR 32973, Aug. 11, 1989; 65 FR 61756, Oct. 17, 2000; 68 FR 59333, Oct. 15, 2003]

§ 60.112b Standard for volatile organic compounds (VOC).

(a) The owner or operator of each storage vessel either with a design capacity greater than or equal to 151 m^3 containing a VOL that, as stored, has a maximum true vapor pressure equal to or greater than 5.2 kPa but less than 76.6 kPa or with a design capacity greater than or equal to 75 m^3 but less than 151 m^3 containing a VOL that, as stored, has a maximum true vapor pressure equal to or greater than 27.6 kPa but less than 76.6 kPa, shall equip each storage vessel with one of the following:

(1) A fixed roof in combination with an internal floating roof meeting the following specifications:

(i) The internal floating roof shall rest or float on the liquid surface (but not necessarily in complete contact with it) inside a storage vessel that has a fixed roof. The internal floating roof shall be floating on the liquid surface at all times, except during initial fill and during those intervals when the storage vessel is completely emptied or subsequently emptied and refilled. When the roof is resting on the leg supports, the process of filling, emptying, or refilling shall be continuous and shall be accomplished as rapidly as possible.

(ii) Each internal floating roof shall be equipped with one of the following closure devices between the wall of the storage vessel and the edge of the internal floating roof:

(A) A foam- or liquid-filled seal mounted in contact with the liquid (liquid-mounted seal). A liquid-mounted seal means a foam- or liquid-filled seal mounted in contact with the liquid between the wall of the storage vessel and the floating roof continuously around the circumference of the tank.

(B) Two seals mounted one above the other so that each forms a continuous closure that completely covers the space between the wall of the storage vessel and the edge of the internal floating roof. The lower seal may be vapor-mounted, but both must be continuous.

(C) A mechanical shoe seal. A mechanical shoe seal is a metal sheet held vertically against the wall of the storage vessel by springs or weighted levers and is connected by braces to the floating roof. A flexible coated fabric (envelope) spans the annular space between the metal sheet and the floating roof.

(iii) Each opening in a noncontact internal floating roof except for automatic bleeder vents (vacuum breaker vents) and the rim space vents is to provide a projection below the liquid surface.

(iv) Each opening in the internal floating roof except for leg sleeves, automatic bleeder vents, rim space vents, column wells, ladder wells, sample wells, and stub drains is to be equipped with a cover or lid which is to be maintained in a closed position at all times (i.e., no visible gap) except when the device is in actual use. The cover or lid shall be equipped with a gasket. Covers on each access hatch and automatic gauge float well shall be bolted except when they are in use.

(v) Automatic bleeder vents shall be equipped with a gasket and are to be closed at all times when the roof is floating except when the roof is being floated off or is being landed on the roof leg supports.

(vi) Rim space vents shall be equipped with a gasket and are to be set to open only when the internal floating roof is not floating or at the manufacturer's recommended setting.

(vii) Each penetration of the internal floating roof for the purpose of sampling shall be a sample well. The sample well shall have a slit fabric cover that covers at least 90 percent of the opening.

(viii) Each penetration of the internal floating roof that allows for passage of a column supporting the fixed roof shall have a flexible fabric sleeve seal or a gasketed sliding cover.

(ix) Each penetration of the internal floating roof that allows for passage of a ladder shall have a gasketed sliding cover.

(2) An external floating roof. An external floating roof means a pontoon-type or double-deck type cover that rests on the liquid surface in a vessel with no fixed roof. Each external floating roof must meet the following specifications:

(i) Each external floating roof shall be equipped with a closure device between the wall of the storage vessel and the roof edge. The closure device is to consist of two seals, one above the other. The lower seal is referred to as the primary seal, and the upper seal is referred to as the secondary seal.

(A) The primary seal shall be either a mechanical shoe seal or a liquid-mounted seal. Except as provided in §60.113b(b)(4), the seal shall completely cover the annular space between the edge of the floating roof and tank wall.

(B) The secondary seal shall completely cover the annular space between the external floating roof and the wall of the storage vessel in a continuous fashion except as allowed in §60.113b(b)(4).

(ii) Except for automatic bleeder vents and rim space vents, each opening in a noncontact external floating roof shall provide a projection below the liquid surface. Except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof is to be equipped with a gasketed cover, seal, or lid that is to be maintained in a closed position at all times (i.e., no visible gap) except when the device is in actual use. Automatic bleeder vents are to be closed at all times when the roof is floating except when the roof is being floated off or is being landed on the roof leg supports. Rim vents are to be set to open when the roof is being floated off the roof legs supports or at the manufacturer's recommended setting. Automatic bleeder vents and rim space vents are to be gasketed. Each emergency roof drain is to be provided with a slotted membrane fabric cover that covers at least 90 percent of the area of the opening.

(iii) The roof shall be floating on the liquid at all times (i.e., off the roof leg supports) except during initial fill until the roof is lifted off leg supports and when the tank is completely emptied and subsequently refilled. The process of filling, emptying, or refilling when the roof is resting on the leg supports shall be continuous and shall be accomplished as rapidly as possible.

(3) A closed vent system and control device meeting the following specifications:

(i) The closed vent system shall be designed to collect all VOC vapors and gases discharged from the storage vessel and operated with no detectable emissions as indicated by an instrument reading of less than 500 ppm above background and visual inspections, as determined in part 60, subpart VV, §60.485(b).

(ii) The control device shall be designed and operated to reduce inlet VOC emissions by 95 percent or greater. If a flare is used as the control device, it shall meet the specifications described in the general control device requirements (§60.18) of the General Provisions.

(4) A system equivalent to those described in paragraphs (a)(1), (a)(2), or (a)(3) of this section as provided in §60.114b of this subpart.

(b) The owner or operator of each storage vessel with a design capacity greater than or equal to 75 m^3 which contains a VOL that, as stored, has a maximum true vapor pressure greater than or equal to 76.6 kPa shall equip each storage vessel with one of the following:

(1) A closed vent system and control device as specified in §60.112b(a)(3).

(2) A system equivalent to that described in paragraph (b)(1) as provided in §60.114b of this subpart.

(c) Site-specific standard for Merck & Co., Inc.'s Stonewall Plant in Elkton, Virginia. This paragraph applies only to the pharmaceutical manufacturing facility, commonly referred to as the Stonewall Plant, located at Route 340 South, in Elkton, Virginia ("site").

(1) For any storage vessel that otherwise would be subject to the control technology requirements of paragraphs (a) or (b) of this section, the site shall have the option of either complying directly with the requirements of this subpart, or reducing the site-wide total criteria pollutant emissions cap (total emissions cap) in accordance with the procedures set forth in a permit issued pursuant to 40 CFR 52.2454. If the site chooses the option of reducing the total emissions cap in accordance with the procedures set forth in such permit, the requirements of such permit shall apply in lieu of the otherwise applicable requirements of this subpart for such storage vessel.

(2) For any storage vessel at the site not subject to the requirements of 40 CFR 60.112b (a) or (b), the requirements of 40 CFR 60.116b (b) and (c) and the General Provisions (subpart A of this part) shall not apply.

[52 FR 11429, Apr. 8, 1987, as amended at 62 FR 52641, Oct. 8, 1997]

§ 60.113b Testing and procedures.

The owner or operator of each storage vessel as specified in §60.112b(a) shall meet the requirements of paragraph (a), (b), or (c) of this section. The applicable paragraph for a particular storage vessel depends on the control equipment installed to meet the requirements of §60.112b.

(a) After installing the control equipment required to meet §60.112b(a)(1) (permanently affixed roof and internal floating roof), each owner or operator shall:

(1) Visually inspect the internal floating roof, the primary seal, and the secondary seal (if one is in service), prior to filling the storage vessel with VOL. If there are holes, tears, or other openings in the primary seal, the secondary seal, or the seal fabric or defects in the internal floating roof, or both, the owner or operator shall repair the items before filling the storage vessel.

(2) For Vessels equipped with a liquid-mounted or mechanical shoe primary seal, visually inspect the internal floating roof and the primary seal or the secondary seal (if one is in service) through manholes and roof hatches on the fixed roof at least once every 12 months after initial fill. If the internal floating roof is not resting on the surface of the VOL inside the storage vessel, or there is liquid accumulated on the roof, or the seal is detached, or there are holes or tears in the seal fabric, the owner or operator shall repair the items or empty and remove the storage vessel from service within 45 days. If a failure that is detected during inspections required in this paragraph cannot be repaired within 45 days and if the vessel cannot be emptied within 45 days, a 30-day extension may be requested from the Administrator in the inspection report required in §60.115b(a)(3). Such a request for an extension must document that alternate storage capacity is unavailable and specify a schedule of actions the company will take that will assure that the control equipment will be repaired or the vessel will be emptied as soon as possible.

(3) For vessels equipped with a double-seal system as specified in §60.112b(a)(1)(ii)(B):

(i) Visually inspect the vessel as specified in paragraph (a)(4) of this section at least every 5 years; or

(ii) Visually inspect the vessel as specified in paragraph (a)(2) of this section.

(4) Visually inspect the internal floating roof, the primary seal, the secondary seal (if one is in service), gaskets, slotted membranes and sleeve seals (if any) each time the storage vessel is emptied and degassed. If the internal floating roof has defects, the primary seal has holes, tears, or other openings in the seal or the seal fabric, or the secondary seal has holes, tears, or other openings in the seal or the seal fabric, or the gaskets no longer close off the liquid surfaces from the atmosphere, or the slotted membrane has more than 10 percent open area, the owner or operator shall repair the items as necessary so that none of the conditions specified in this paragraph exist before refilling the storage vessel with VOL. In no event shall inspections conducted in accordance with this provision occur at intervals greater than 10 years in the case of vessels conducting the annual visual inspection as specified in paragraphs (a)(2) and (a)(3)(ii) of this section and at intervals no greater than 5 years in the case of vessels specified in paragraph (a)(3)(i) of this section.

(5) Notify the Administrator in writing at least 30 days prior to the filling or refilling of each storage vessel for which an inspection is required by paragraphs (a)(1) and (a)(4) of this section to afford the Administrator the opportunity to have an observer present. If the inspection required by paragraph (a)(4) of this section is not planned and the owner or operator could not have known

about the inspection 30 days in advance or refilling the tank, the owner or operator shall notify the Administrator at least 7 days prior to the refilling of the storage vessel. Notification shall be made by telephone immediately followed by written documentation demonstrating why the inspection was unplanned. Alternatively, this notification including the written documentation may be made in writing and sent by express mail so that it is received by the Administrator at least 7 days prior to the refilling.

(b) After installing the control equipment required to meet §60.112b(a)(2) (external floating roof), the owner or operator shall:

(1) Determine the gap areas and maximum gap widths, between the primary seal and the wall of the storage vessel and between the secondary seal and the wall of the storage vessel according to the following frequency.

(i) Measurements of gaps between the tank wall and the primary seal (seal gaps) shall be performed during the hydrostatic testing of the vessel or within 60 days of the initial fill with VOL and at least once every 5 years thereafter.

(ii) Measurements of gaps between the tank wall and the secondary seal shall be performed within 60 days of the initial fill with VOL and at least once per year thereafter.

(iii) If any source ceases to store VOL for a period of 1 year or more, subsequent introduction of VOL into the vessel shall be considered an initial fill for the purposes of paragraphs (b)(1)(i) and (b)(1)(ii) of this section.

(2) Determine gap widths and areas in the primary and secondary seals individually by the following procedures:

(i) Measure seal gaps, if any, at one or more floating roof levels when the roof is floating off the roof leg supports.

(ii) Measure seal gaps around the entire circumference of the tank in each place where a 0.32-cm diameter uniform probe passes freely (without forcing or binding against seal) between the seal and the wall of the storage vessel and measure the circumferential distance of each such location.

(iii) The total surface area of each gap described in paragraph (b)(2)(ii) of this section shall be determined by using probes of various widths to measure accurately the actual distance from the tank wall to the seal and multiplying each such width by its respective circumferential distance.

(3) Add the gap surface area of each gap location for the primary seal and the secondary seal individually and divide the sum for each seal by the nominal diameter of the tank and compare each ratio to the respective standards in paragraph (b)(4) of this section.

(4) Make necessary repairs or empty the storage vessel within 45 days of identification in any inspection for seals not meeting the requirements listed in (b)(4) (i) and (ii) of this section:

(i) The accumulated area of gaps between the tank wall and the mechanical shoe or liquid-mounted primary seal shall not exceed 212 Cm^2 per meter of tank diameter, and the width of any portion of any gap shall not exceed 3.81 cm.

(A) One end of the mechanical shoe is to extend into the stored liquid, and the other end is to extend a minimum vertical distance of 61 cm above the stored liquid surface.

(B) There are to be no holes, tears, or other openings in the shoe, seal fabric, or seal envelope.

(ii) The secondary seal is to meet the following requirements:

(A) The secondary seal is to be installed above the primary seal so that it completely covers the space between the roof edge and the tank wall except as provided in paragraph (b)(2)(iii) of this section.

(B) The accumulated area of gaps between the tank wall and the secondary seal shall not exceed 21.2 cm^2 per meter of tank diameter, and the width of any portion of any gap shall not exceed 1.27 cm.

(C) There are to be no holes, tears, or other openings in the seal or seal fabric.

(iii) If a failure that is detected during inspections required in paragraph (b)(1) of §60.113b(b) cannot be repaired within 45 days and if the vessel cannot be emptied within 45 days, a 30-day extension may be requested from the Administrator in the inspection report required in §60.115b(b)(4). Such extension request must include a demonstration of unavailability of alternate storage capacity and a specification of a schedule that will assure that the control equipment will be repaired or the vessel will be emptied as soon as possible.

(5) Notify the Administrator 30 days in advance of any gap measurements required by paragraph (b)(1) of this section to afford the Administrator the opportunity to have an observer present.

(6) Visually inspect the external floating roof, the primary seal, secondary seal, and fittings each time the vessel is emptied and degassed.

(i) If the external floating roof has defects, the primary seal has holes, tears, or other openings in the seal or the seal fabric, or the secondary seal has holes, tears, or other openings in the seal or the seal fabric, the owner or operator shall repair the items as necessary so that none of the conditions specified in this paragraph exist before filling or refilling the storage vessel with VOL.

(ii) For all the inspections required by paragraph (b)(6) of this section, the owner or operator shall notify the Administrator in writing at least 30 days prior to the filling or refilling of each storage vessel to afford the Administrator the opportunity to inspect the storage vessel prior to refilling. If the inspection required by paragraph (b)(6) of this section is not planned and the owner or operator could not have known about the inspection 30 days in advance of refilling the tank, the owner or operator shall notify the Administrator at least 7 days prior to the refilling of the storage vessel. Notification shall be made by telephone immediately followed by written documentation demonstrating why the inspection was unplanned. Alternatively, this notification including the written documentation may be made in writing and sent by express mail so that it is received by the Administrator at least 7 days prior to the refilling.

(c) The owner or operator of each source that is equipped with a closed vent system and control device as required in §60.112b (a)(3) or (b)(2) (other than a flare) is exempt from §60.8 of the General Provisions and shall meet the following requirements.

(1) Submit for approval by the Administrator as an attachment to the notification required by §60.7(a)(1) or, if the facility is exempt from §60.7(a)(1), as an attachment to the notification required by §60.7(a)(2), an operating plan containing the information listed below.

(i) Documentation demonstrating that the control device will achieve the required control efficiency during maximum loading conditions. This documentation is to include a description of the gas stream which enters the control device, including flow and VOC content under varying liquid level conditions (dynamic and static) and manufacturer's design specifications for the control device. If the control device or the closed vent capture system receives vapors, gases, or liquids other than fuels from sources that are not designated sources under this subpart, the efficiency demonstration is to include consideration of all vapors, gases, and liquids received by the closed vent capture system and control device. If an enclosed combustion device with a minimum residence time of 0.75 seconds and a minimum temperature of 816 °C is used to meet the 95 percent requirement, documentation that those conditions will exist is sufficient to meet the requirements of this paragraph.

(ii) A description of the parameter or parameters to be monitored to ensure that the control device will be operated in conformance with its design and an explanation of the criteria used for selection of that parameter (or parameters).

(2) Operate the closed vent system and control device and monitor the parameters of the closed vent system and control device in accordance with the operating plan submitted to the Administrator in accordance with paragraph (c)(1) of this section, unless the plan was modified by the Administrator during the review process. In this case, the modified plan applies.

(d) The owner or operator of each source that is equipped with a closed vent system and a flare to meet the requirements in §60.112b (a)(3) or (b)(2) shall meet the requirements as specified in the general control device requirements, §60.18 (e) and (f).

[52 FR 11429, Apr. 8, 1987, as amended at 54 FR 32973, Aug. 11, 1989]

§ 60.114b Alternative means of emission limitation.

(a) If, in the Administrator's judgment, an alternative means of emission limitation will achieve a reduction in emissions at least equivalent to the reduction in emissions achieved by any requirement in §60.112b, the Administrator will publish in theFederal Registera notice permitting the use of the alternative means for purposes of compliance with that requirement.

(b) Any notice under paragraph (a) of this section will be published only after notice and an opportunity for a hearing.

(c) Any person seeking permission under this section shall submit to the Administrator a written application including:

(1) An actual emissions test that uses a full-sized or scale-model storage vessel that accurately collects and measures all VOC emissions from a given control device and that accurately simulates wind and accounts for other emission variables such as temperature and barometric pressure.

(2) An engineering evaluation that the Administrator determines is an accurate method of determining equivalence.

(d) The Administrator may condition the permission on requirements that may be necessary to ensure operation and maintenance to achieve the same emissions reduction as specified in §60.112b.

§ 60.115b Reporting and recordkeeping requirements.

The owner or operator of each storage vessel as specified in §60.112b(a) shall keep records and furnish reports as required by paragraphs (a), (b), or (c) of this section depending upon the control equipment installed to meet the requirements of §60.112b. The owner or operator shall keep copies of all reports and records required by this section, except for the record required by (c)(1), for at least 2 years. The record required by (c)(1) will be kept for the life of the control equipment.

(a) After installing control equipment in accordance with §60.112b(a)(1) (fixed roof and internal floating roof), the owner or operator shall meet the following requirements.

(1) Furnish the Administrator with a report that describes the control equipment and certifies that the control equipment meets the specifications of §60.112b(a)(1) and §60.113b(a)(1). This report shall be an attachment to the notification required by §60.7(a)(3).

(2) Keep a record of each inspection performed as required by §60.113b (a)(1), (a)(2), (a)(3), and (a)(4). Each record shall identify the storage vessel on which the inspection was performed and shall contain the date the vessel was inspected and the observed condition of each component of the control equipment (seals, internal floating roof, and fittings).

(3) If any of the conditions described in §60.113b(a)(2) are detected during the annual visual inspection required by §60.113b(a)(2), a report shall be furnished to the Administrator within 30 days of the inspection. Each report shall identify the storage vessel, the nature of the defects, and the date the storage vessel was emptied or the nature of and date the repair was made.

(4) After each inspection required by §60.113b(a)(3) that finds holes or tears in the seal or seal fabric, or defects in the internal floating roof, or other control equipment defects listed in §60.113b(a)(3)(ii), a report shall be furnished to the Administrator within 30 days of the inspection. The report shall identify the storage vessel and the reason it did not meet the specifications of §61.112b(a)(1) or §60.113b(a)(3) and list each repair made.

(b) After installing control equipment in accordance with §61.112b(a)(2) (external floating roof), the owner or operator shall meet the following requirements.

(1) Furnish the Administrator with a report that describes the control equipment and certifies that the control equipment meets the specifications of §60.112b(a)(2) and §60.113b(b)(2), (b)(3), and (b)(4). This report shall be an attachment to the notification required by §60.7(a)(3).

(2) Within 60 days of performing the seal gap measurements required by §60.113b(b)(1), furnish the Administrator with a report that contains:

(i) The date of measurement.

(ii) The raw data obtained in the measurement.

(iii) The calculations described in §60.113b (b)(2) and (b)(3).

(3) Keep a record of each gap measurement performed as required by §60.113b(b). Each record shall identify the storage vessel in which the measurement was performed and shall contain:

(i) The date of measurement.

(ii) The raw data obtained in the measurement.

(iii) The calculations described in §60.113b (b)(2) and (b)(3).

(4) After each seal gap measurement that detects gaps exceeding the limitations specified by §60.113b(b)(4), submit a report to the Administrator within 30 days of the inspection. The report will identify the vessel and contain the information specified in paragraph (b)(2) of this section and the date the vessel was emptied or the repairs made and date of repair.

(c) After installing control equipment in accordance with §60.112b (a)(3) or (b)(1) (closed vent system and control device other than a flare), the owner or operator shall keep the following records.

(1) A copy of the operating plan.

(2) A record of the measured values of the parameters monitored in accordance with §60.113b(c)(2).

(d) After installing a closed vent system and flare to comply with §60.112b, the owner or operator shall meet the following requirements.

(1) A report containing the measurements required by §60.18(f) (1), (2), (3), (4), (5), and (6) shall be furnished to the Administrator as required by §60.8 of the General Provisions. This report shall be submitted within 6 months of the initial start-up date.

(2) Records shall be kept of all periods of operation during which the flare pilot flame is absent.

(3) Semiannual reports of all periods recorded under §60.115b(d)(2) in which the pilot flame was absent shall be furnished to the Administrator.

§ 60.116b Monitoring of operations.

(a) The owner or operator shall keep copies of all records required by this section, except for the record required by paragraph (b) of this section, for at least 2 years. The record required by paragraph (b) of this section will be kept for the life of the source.

(b) The owner or operator of each storage vessel as specified in §60.110b(a) shall keep readily accessible records showing the dimension of the storage vessel and an analysis showing the capacity of the storage vessel.

(c) Except as provided in paragraphs (f) and (g) of this section, the owner or operator of each storage vessel either with a design capacity greater than or equal to 151 m^3 storing a liquid with a maximum true vapor pressure greater than or equal to 3.5 kPa or with a design capacity greater than or equal to 75 m^3 but less than 151 m^3 storing a liquid with a maximum true vapor pressure greater than or equal to 15.0 kPa shall maintain a record of the VOL stored, the period of storage, and the maximum true vapor pressure of that VOL during the respective storage period.

(d) Except as provided in paragraph (g) of this section, the owner or operator of each storage vessel either with a design capacity greater than or equal to 151 m^3 storing a liquid with a maximum true vapor pressure that is normally less than 5.2 kPa or with a design capacity greater than or equal to 75 m^3 but less than 151 m^3 storing a liquid with a maximum true vapor pressure that is normally less than 27.6 kPa shall notify the Administrator within 30 days when the maximum true vapor pressure of the liquid exceeds the respective maximum true vapor vapor pressure values for each volume range.

(e) Available data on the storage temperature may be used to determine the maximum true vapor pressure as determined below.

(1) For vessels operated above or below ambient temperatures, the maximum true vapor pressure is calculated based upon the highest expected calendar-month average of the storage temperature. For vessels operated at ambient temperatures, the maximum true vapor pressure is calculated based upon the maximum local monthly average ambient temperature as reported by the National Weather Service.

(2) For crude oil or refined petroleum products the vapor pressure may be obtained by the following:

(i) Available data on the Reid vapor pressure and the maximum expected storage temperature based on the highest expected calendar-month average temperature of the stored product may be used to determine the maximum true vapor pressure from nomographs contained in API Bulletin 2517 (incorporated by reference—see §60.17), unless the Administrator specifically requests that the liquid be sampled, the actual storage temperature determined, and the Reid vapor pressure determined from the sample(s).

(ii) The true vapor pressure of each type of crude oil with a Reid vapor pressure less than 13.8 kPa or with physical properties that preclude determination by the recommended method is to be determined from available data and recorded if the estimated maximum true vapor pressure is greater than 3.5 kPa.

(3) For other liquids, the vapor pressure:

(i) May be obtained from standard reference texts, or

(ii) Determined by ASTM D2879–83, 96, or 97 (incorporated by reference—see §60.17); or

(iii) Measured by an appropriate method approved by the Administrator; or

(iv) Calculated by an appropriate method approved by the Administrator.

(f) The owner or operator of each vessel storing a waste mixture of indeterminate or variable composition shall be subject to the following requirements.

(1) Prior to the initial filling of the vessel, the highest maximum true vapor pressure for the range of anticipated liquid compositions to be stored will be determined using the methods described in paragraph (e) of this section.

(2) For vessels in which the vapor pressure of the anticipated liquid composition is above the cutoff for monitoring but below the cutoff for controls as defined in §60.112b(a), an initial physical test of the vapor pressure is required; and a physical test at least once every 6 months thereafter is required as determined by the following methods:

(i) ASTM D2879–83, 96, or 97 (incorporated by reference—see §60.17); or

(ii) ASTM D323–82 or 94 (incorporated by reference—see §60.17); or

(iii) As measured by an appropriate method as approved by the Administrator.

(g) The owner or operator of each vessel equipped with a closed vent system and control device meeting the specification of §60.112b or with emissions reductions equipment as specified in 40 CFR 65.42(b)(4), (b)(5), (b)(6), or (c) is exempt from the requirements of paragraphs (c) and (d) of this section.

[52 FR 11429, Apr. 8, 1987, as amended at 65 FR 61756, Oct. 17, 2000; 65 FR 78276, Dec. 14, 2000; 68 FR 59333, Oct. 15, 2003]

§ 60.117b Delegation of authority.

(a) In delegating implementation and enforcement authority to a State under section 111(c) of the Act, the authorities contained in paragraph (b) of this section shall be retained by the Administrator and not transferred to a State.

(b) Authorities which will not be delegated to States: §§60.111b(f)(4), 60.114b, 60.116b(e)(3)(iii), 60.116b(e)(3)(iv), and 60.116b(f)(2)(iii).

[52 FR 11429, Apr. 8, 1987, as amended at 52 FR 22780, June 16, 1987]

AIR POLLUTION CONTROL DISTRICT
SAN DIEGO COUNTY

WORKSHOP REPORT

REPEAL OF EXISTING REGULATION X NEW SOURCE PERFORMANCE STANDARDS AND ADOPTION BY REFERENCE OF FEDERAL NEW SOURCE PERFORMANCE STANDARDS FOR VOLATILE ORGANIC LIQUID STORAGE

A workshop notice was mailed to companies in San Diego County that are potentially subject to any of the 40 Code of Federal Regulations Part 60 (40 CFR Part 60), New Source Performance Standards (NSPSs) listed below that are proposed for the deletion of the existing Regulation X NSPS and adoption by reference of the current federal NSPS. Notices were also mailed to all Economic Development Corporations and Chambers of Commerce in San Diego County, the U.S. Environmental Protection Agency (EPA), the California Air Resources Board (ARB), and other interested parties.

The workshop was held on May 4, 2007. There were no public comments at the workshop.

The following NSPSs are proposed to be deleted from Regulation X and adopted by reference:

Subpart K	Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978
Subpart Ka	Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior To July 23, 1984
Subpart Kb	Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984