MEMORANDUM

DATE: December 10, 2020

SUBJECT: Proposed Regulation Edits for 40 CFR Part 63, Subparts MMMMM and OOOOOO

FROM: Lisa Sutton, U.S. Environmental Protection Agency

TO: Docket No. EPA-HQ-OAR-2020-0572

This memorandum provides the proposed regulation edits associated with a proposed action titled, *"National Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Fabrication Operations Residual Risk and Technology Review and Flexible Polyurethane Foam Production and Fabrication Area Source Technology Review."*

Attachment 1 to this memorandum presents the specific amendatory language proposed to revise the above-referenced subparts of the Code of Federal Regulations (CFR). Attachment 2 to this memorandum, for the convenience of interested parties, presents the subject subparts of the CFR (as of December 1, 2020) including proposed regulation edits shown in redline/strikeout format.

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Attachment 1: Proposed amendatory language.
Attachment 2: Regulatory text with proposed edits in redline/strikeout.

Attachment 1:
Proposed amendatory language.

PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

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

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

Subpart MMMMM—National Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Fabrication Operations

2. Section 63.8784 is amended by revising paragraphs (c)(2) and (e) to read as follows:

§63.8784 What parts of my plant does this subpart cover?

* * * * *

(c) * * *

(2) If you add one or more flame lamination lines at a plant site where flame lamination lines already exist, the added line(s) shall be a new affected source and meet new source requirements if the added line(s) are at a flexible polyurethane foam fabrication plant site that has the potential to emit 10 tons per year or more of any HAP or 25 tons or more per year of any combination of HAP.

* * * * *

(e) An affected source is existing if it commenced construction or reconstruction on or before August 8, 2001.

3. Section 63.8786 is amended by revising paragraph (b) and adding paragraph (f) to read as follows:

§63.8786 When do I have to comply with this subpart?

* * * * *

(b) If you have an existing affected source, you must comply with this subpart according to paragraphs (b)(1) and (b)(2) of this section, as applicable.

(1) If you have an existing loop slitter affected source, you must comply with the emission standards for existing sources no later than April 14, 2004.

(2) If you have an existing flame lamination affected source, you must comply with the emission standards for existing sources no later than [DATE 180 DAYS AFTER DATE OF PUBLICATION OF THE FINAL RULE IN THE **Federal Register**].

* * * * *

(f) You must comply with the electronic reporting requirements according to paragraphs (f)(1) and (f)(2) of this section.

(1) You must comply with the performance test and CMS performance evaluation requirements of §63.8818(j) on or before [DATE 180 DAYS AFTER DATE OF PUBLICATION OF THE FINAL RULE IN THE **Federal Register**].

(2) You must comply with the compliance report requirements of §63.8818(k) on or before [DATE 180 DAYS AFTER DATE OF PUBLICATION OF THE FINAL RULE IN THE FEDERAL REGISTER] or once the report template for this subpart has been available on the CEDRI website for one year, whichever date is later.

4. Section 63.8794 is amended by:

a. Revising paragraphs (b), (c) and (d);

b. Removing and reserving paragraph (e); and

c. Revising paragraph (f) introductory text.

The revisions read as follows:

§63.8794 What are my general requirements for complying with this subpart?

* * * * *

(b) For each flame lamination affected source, you must be in compliance with the requirements in this subpart at all times.

(c) At all times, you must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. The general duty to minimize emissions does not require you to make any further efforts to reduce emissions if levels required by the applicable standard have been achieved. Determination of whether a source is operating in compliance with operation and maintenance requirements will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.

(d) For flame lamination affected sources in §63.8786 using a control device to comply with the emission limitations in Table 1 to this subpart, you must maintain a log detailing the operation and maintenance of the process and emissions control equipment during the period between the compliance date specified for your flame lamination affected source in §63.8786, and the date upon which continuous compliance monitoring systems required by §63.8810(c) have been installed and verified and any applicable operating limits have been set.

(e) [Reserved]

(f) For each monitoring system required by §63.8810(c) for flame lamination sources, you must develop and submit for approval a site-specific monitoring plan that addresses the requirements in paragraphs (f)(1) through (3) of this section.

* * * * *

5. Section 63.8798 is amended by revising paragraph (b) and adding paragraph (c) to read as follows:

§63.8798 By what date must I conduct performance tests or other initial compliance demonstrations?

* * * * *

(b) For each flame lamination affected source, you must conduct performance tests by the compliance date that is specified for your source in §63.8786 and according to the provisions in §63.7(a)(2).

(c) You must conduct subsequent performance tests to demonstrate compliance with the flame lamination emissions limitations in Table 1 to this subpart no less frequently than every 5 years from the date of the last performance test.

6. Section 63.8800 is amended by:

a. Revising paragraphs (b), (c) and (e) introductory text;

b. Redesignating paragraph (f) as (g);

c. Adding new paragraph (f); and

d. Revising redesignated paragraph (g) introductory text.

The revisions and additions read as follows:

§63.8800 What performance tests and other procedures must I use to demonstrate compliance with the emission limit for flame lamination?

* * * * *

(b) Each performance test must be conducted according to the requirements in paragraph (c) of this section and under the specific conditions in Table 3 to this subpart.

(c) You must conduct each performance test under conditions representative of normal operations. You may not conduct performance tests during periods of startup, shutdown, or malfunction. The owner or operator must record the process information that is necessary to document operating conditions during the test and include in such record an explanation to support that such conditions represent normal operation. Upon request, the owner or operator shall make available to the Administrator such records as may be necessary to determine the conditions of performance tests.

* * * * *

(e) For new and reconstructed affected sources, you must determine the percent reduction of HAP emissions during the performance test according to paragraphs (e)(1) through (3) of this section.

* * * * *

(f) For existing affected sources, you must conduct performance tests according to paragraph (e) for flame lamination units using an emissions control device. For flame lamination units without an

emissions control device, you must determine the concentration of HCl in the vent at the outlet to the atmosphere.

(g) You must also meet the requirements in paragraphs (g)(1) and (2) of this section.

* * * * *

7. Section 63.8802 is amended by revising paragraphs (a)(1)(i) and (3)(i) to read as follows:

§63.8802 What methods must I use to demonstrate compliance with the emission limitation for loop slitter adhesive use?

(a) * * *

(1) * * *

(i) Include in the HAP total each HAP in Table 8 of this subpart that is measured at 0.1 percent by weight or more and any other HAP that is measured at 1.0 percent by weight or more. Express the weight fraction of each HAP you measure as a value truncated to four places after the decimal point (for example, 0.1234).

* * * * *

(3) * * *

(i) Include in the HAP total each HAP in Table 8 of this subpart that is present at 0.1 percent by weight or more and any other HAP that is present at 1.0 percent by weight or more.

* * * * *

8. Section 63.8810 is amended by revising paragraphs (b) introductory text, (c) introductory text and (c)(1) to read as follows:

§63.8810 How do I monitor and collect data to demonstrate continuous compliance?

* * * * *

(b) If you own or operate a flame lamination affected source, you must meet the requirements in paragraphs (b)(1) through (3) of this section if you use a scrubber, or paragraph (b)(4) of this section if you use any other control device.

* * * * *

(c) If you own or operate a control device to meet the emissions limitations for a flame lamination affected source, you must meet the requirements in paragraphs (c)(1) through (4) of this section.

(1) Except for periods of monitoring-associated repairs and required quality assurance or control activities (including, as applicable, calibration checks and required zero and span adjustments), you must monitor continuously (or collect data at all required intervals) at all times that the affected source is operating.

* * * * *

9. Section 63.8812 is amended by:

a. Revising paragraph (b);

b. Removing and reserving paragraph (d); and

c. Revising paragraph (e) introductory text.

The revisions read as follows:

§63.8812 How do I demonstrate continuous compliance with the emission limitations?

* * * * *

(b) You must report each instance in which you did not meet each emission limit and each operating limit in Tables 1 and 2 to this subpart that apply to you. These instances are deviations from the operating limits in this subpart. These deviations must be reported according to the requirements in §63.8818.

* * * * *

(d) [Reserved]

(e) You must meet the following requirements if you are complying with the adhesive use ban for loop slitter adhesive use described in §63.8790(a).

* * * * *

10. Section 63.8816 is amended by revising paragraphs (d), (f), (g) introductory text, and (h)(1) to read as follows:

§63.8816 What notifications must I submit and when?* * * * *

(d) If you own or operate a flame lamination affected source, submit a notification of intent to conduct a performance test at least 60 calendar days before the performance test is scheduled to begin, as required in §63.7(b)(1).

* * * * *

(f) If you own or operate a flame lamination affected source, submit a Notification of Compliance Status according to §63.9(h)(2)(ii) that includes the results of the performance test conducted according to the requirements in Table 3 to this subpart. You must submit the notification before the close of business on the 60th calendar day following the completion of the performance test according to §63.10(d)(2).

(g) For each flame lamination affected source, the Notification of Compliance Status must also include the information in paragraphs (g)(1) and (2) that applies to you.

(h) * * *

(1) A list of each adhesive used at the affected source, its HAP content (percent by weight), and the manufacturer or supplier of each.

* * * * *

11. Section 63.8818 is amended by:

a. Revising paragraphs (b) introductory text and (f);

b. Removing and reserving paragraph (i); and

c. Adding paragraphs (j) through (m).

The revisions and additions read as follows:

§63.8818 What reports must I submit and when?

* * * * *

(b) Unless the Administrator has approved a different schedule for submission of reports under §63.10(a), you must submit each compliance report for flame lamination affected sources semiannually according to paragraphs (b)(1) through (4) of this section.

* * * * *

(f) The compliance report for flame lamination affected sources required by §63.8810(c) to conduct continuous monitoring must also contain the following information in paragraphs (f)(1) and (2) of this section.

(1) If there were no periods during which the CPMS was out-of-control in accordance with the monitoring plan, a statement that there were no periods during which the CPMS was out-of-control during the reporting period.

(2) If there were periods during which the CPMS was out-of-control in accordance with the monitoring plan, the date, time, and duration of each out-of-control period.

* * * * *

(i) [Reserved]

(j) *Performance Test and CMS Performance Evaluation Reports.* Beginning on [DATE 180 DAYS AFTER DATE OF PUBLICATION OF THE FINAL RULE IN THE **Federal Register**], within 60 days after the date of completing each performance test or CMS performance evaluation (as defined in §63.2) required by this subpart, the owner or operator must submit the results of the performance test or performance following the procedures specified in paragraphs (j)(1) through (3) of this section.

(1) *Data collected using test methods supported by the EPA's Electronic Reporting Tool (ERT) as listed on the EPA's ERT website (https://www.epa.gov/electronic-reporting-air-emissions/electronic-reporting-tool-ert) at the time of the test.* Submit the results of the performance test or the performance evaluation of CMS measuring relative accuracy test audit (RATA) pollutants to the EPA via the Compliance and Emissions Data Reporting Interface (CEDRI), which can be accessed through the EPA's

Central Data Exchange (CDX) (*https://cdx.epa.gov/*). The data must be submitted in a file format generated through the use of the EPA's ERT. Alternatively, you may submit an electronic file consistent with the extensible markup language (XML) schema listed on the EPA's ERT website.

(2) *Data collected using test methods that are not supported by the EPA's ERT as listed on the EPA's ERT website at the time of the test.* The results of the performance test or the performance evaluation of CMS measuring RATA pollutants by methods that are not supported by the ERT, must be included as an attachment in the ERT or an alternate electronic file consistent with the XML schema listed on the EPA's ERT website. Submit the ERT generated package or alternative file to the EPA via CEDRI.

(3) *Confidential business information (CBI)*. Do not use CEDRI to submit information you claim as CBI. Anything submitted using CEDRI cannot later be claimed CBI. Although we do not expect persons to assert a claim of CBI, if you wish to assert a CBI claim for some of the information submitted under paragraph (a)(1) or (2) of this section, you must submit a complete file, including information claimed to be CBI, to the EPA. The file must be generated using the EPA's ERT or an alternate electronic file consistent with the XML schema listed on the EPA's ERT website. Submit the file on a compact disc, flash drive, or other commonly used electronic storage medium and clearly mark the medium as CBI. Mail the electronic medium to U.S. EPA/OAQPS/CORE CBI Office, Attention: Group Leader, Measurement Policy Group, MD C404-02, 4930 Old Page Rd., Durham, NC 27703. The same file with the CBI omitted must be submitted to the EPA via the EPA's CDX as described in paragraphs (a)(1) and (2) of this section. All CBI claims must be asserted at the time of submission. Furthermore, under CAA section 114(c), emissions data is not entitled to confidential treatment, and the EPA is required to make emissions data available to the public. Thus, emissions data will not be protected as CBI and will be made publicly available.

(k) *Submitting reports electronically*. If you are required to submit reports following the procedure specified in this paragraph (k), you must submit reports to the EPA via CEDRI, which can be accessed through the EPA's CDX (*https://cdx.epa.gov/*). The EPA will make all the information submitted through CEDRI available to the public without further notice to you. Do not use CEDRI to submit information you claim as confidential business information (CBI). Anything submitted using CEDRI cannot later be claimed CBI. You must use the appropriate electronic report template on the CEDRI website (*https://www.epa.gov/electronic-reporting-air-emissions/cedri*) for this subpart. The date report templates become available will be listed on the CEDRI website. Unless the Administrator or delegated state agency or other authority has approved a different schedule for submission of reports, the report must be submitted by the deadline specified in this subpart, regardless of the method in which the report is submitted. Although we do not expect persons to assert a claim of CBI, if you wish to assert a CBI claim, submit a complete report, including information claimed to be CBI, to the EPA. The report must be generated using the appropriate form on the CEDRI website. Submit the file on a compact disc, flash drive, or other commonly used electronic storage medium and clearly mark the medium as CBI. Mail the electronic medium to U.S. EPA/OAQPS/CORE CBI Office, Attention: Flexible Polyurethane Foam Fabrication Sector Lead, MD C404-02, 4930 Old Page Rd., Durham, NC 27703. The same file with the CBI omitted must be submitted to the EPA via the EPA's CDX as described earlier in this paragraph (k). All CBI claims must be asserted at the time of submission. Furthermore, under CAA section 114(c), emissions data is not entitled to confidential treatment, and the EPA is required to make emissions data available to the public. Thus, emissions data will not be protected as CBI and will be made publicly available.

(l) *Claims of EPA system outage*. If you are required to electronically submit a report through CEDRI in the EPA's CDX, you may assert a claim of EPA system outage for failure to timely comply with the reporting requirement. To assert a claim of EPA system outage, you must meet the requirements outlined in paragraphs (l)(1) through (7) of this section.

(1) You must have been or will be precluded from accessing CEDRI and submitting a required report within the time prescribed due to an outage of either the EPA's CEDRI or CDX systems.

(2) The outage must have occured within the period of time beginning five business days prior to the date that the submission is due.

(3) The outage may be planned or unplanned.

(4) You must submit notification to the Administrator in writing as soon as possible following the date you first knew, or through due diligence should have known, that the event may cause or has caused a delay in reporting.

(5) You must provide to the Administrator a written description identifying:

(i) The date(s) and time(s) when CDX or CEDRI was accessed and the system was unavailable;

(ii) A rationale for attributing the delay in reporting beyond the regulatory deadline to EPA system outage;

(iii) Measures taken or to be taken to minimize the delay in reporting; and

(iv) The date by which you propose to report, or if you have already met the reporting requirement at the time of the notification, the date you reported.

(6) The decision to accept the claim of EPA system outage and allow an extension to the reporting deadline is solely within the discretion of the Administrator.

(7) In any circumstance, the report must be submitted electronically as soon as possible after the outage is resolved.

(m*) Claims of force majeure*. If you are required to electronically submit a report through CEDRI in the EPA's CDX, you may assert a claim of force majeure for failure to timely comply with the reporting requirement. To assert a claim of force majeure, you must meet the requirements outlined in paragraphs (m)(1) through (5) of this section.

(1) You may submit a claim if a force majeure event is about to occur, occurs, or has occurred or there are lingering effects from such an event within the period of time beginning five business days prior to the date the submission is due. For the purposes of this section, a force majeure event is defined as an event that will be or has been caused by circumstances beyond the control of the affected facility, its contractors, or any entity controlled by the affected facility that prevents you from complying with the requirement to submit a report electronically within the time period prescribed. Examples of such events are acts of nature (e.g., hurricanes, earthquakes, or floods), acts of war or terrorism, or equipment failure or safety hazard beyond the control of the affected facility (e.g., large scale power outage).

(2) You must submit notification to the Administrator in writing as soon as possible following the date you first knew, or through due diligence should have known, that the event may cause or has caused a delay in reporting.

(3) You must provide to the Administrator:

(i) A written description of the force majeure event;

(ii) A rationale for attributing the delay in reporting beyond the regulatory deadline to the force majeure event;

(iii) Measures taken or to be taken to minimize the delay in reporting; and

(iv) The date by which you propose to report, or if you have already met the reporting requirement at the time of the notification, the date you reported.

(4) The decision to accept the claim of force majeure and allow an extension to the reporting deadline is solely within the discretion of the Administrator.

(5) In any circumstance, the reporting must occur as soon as possible after the force majeure event occurs.

12. Section 63.8820 is amended by revising paragraph (b) to read as follows:

§63.8820 What records must I keep?

* * * * *

(b) For each flame lamination affected source, you must also keep the following records specified in paragraphs (b)(1) through (3) of this section.

(1) Records of performance tests, as required in §63.10(b)(2)(viii).

(2) Records of the operating parameter values required in §63.8810(b).

(3) Records of the date and time that each deviation started and stopped and whether the deviation occurred during a period of startup, shutdown, or malfunction or during another period.

* * * * *

13. Section 63.8830 is amended by revising the definitions of “deviation” and “HAP-based adhesive” to read as follows:

§63.8830 What definitions apply to this subpart?

* * * * *

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

(1) Fails to meet any requirement or obligation established by this subpart, including but not limited to any emission limitation (including any operating limit); or

(2) Fails to meet any term or condition that is adopted to implement an applicable requirement in this subpart and that is included in the operating permit for any affected source required to obtain such a permit; or

(3) Fails to meet any emission limitation (including any operating limit) in this subpart, regardless of whether or not such failure is permitted by this subpart.

* * * * *

HAP-based adhesive means an adhesive containing 1.0 percent by weight or more of any individual or combination of HAP listed in Table 8 to this subpart or 1.0 percent by weight or more of any other individual HAP, according to information from the supplier or manufacturer of the material, EPA Method 311 (appendix A to 40 CFR part 63) or another approved alternative.

* * * * *

14. Table 1 to subpart MMMMM is amended by revising entry 3 to read as follows:

Table 1 to Subpart MMMMM of Part 63—Emission Limits

As stated in §63.8790(a), you must comply with the emission limits in the following table:

For . . .	**You must . . .**
* * * * * * *	
3. Each existing flame lamination affected source	Emit no more than 1.45 pounds per hour of HCl.

15. Table 2 to subpart MMMMM is amended by revising the table title and introductory text to read as follows:

Table 2 to Subpart MMMMM of Part 63—Operating Limits for Existing, New, or Reconstructed Flame Lamination Affected Sources

As stated in §63.8790(b), you must comply with the applicable operating limits in the following table:

* * * * *

16. Table 3 to subpart MMMMM is revised to read as follows:

Table 3 to Subpart MMMMM of Part 63—Performance Test Requirements for Existing, New, or Reconstructed Flame Lamination Affected Sources

As stated in §63.8800, you must comply with the requirements for performance tests for flame lamination affected sources in the following table using the requirements in rows 1 through 5 of the table if you are measuring HCl and using a scrubber, row 6 for new or reconstructed sources measuring

HCN and using a scrubber, row 7 if you are using any other control device, and row 8 for existing sources not using a control device.

For each existing, new, or reconstructed flame lamination affected source, you must . . .	**Using . . .**	**According to the following requirements . . .**
1. Select sampling port's location and the number of traverse ports	Method 1 or 1A in appendix A to part 60 of this chapter	Sampling sites must be located at the inlet and outlet of the scrubber and prior to any releases to the atmosphere.
2. Determine velocity	Method 2, 2A, 2C, 2D, 2F, or 2G in appendix A to part 60 of this chapter.	
3. Determine gas molecular weight	Not applicable	Assume a molecular weight of 29 (after moisture correction) for calculation purposes.
4. Measure moisture content of the stack gas	Method 4 in appendix A to part 60 of this chapter.	
5. Measure HCl concentration	Method 26A in appendix A to part 60 of this chapter	i. Measure total HCl emissions and determine the reduction efficiency of the control device using Method 26A. ii. Collect scrubber liquid flow rate, scrubber effluent pH, and pressure drop (pressure drop data only required for venturi scrubbers) every 15 minutes during the entire duration of each 1-hour test run, and determine the average scrubber liquid flow rate, scrubber effluent pH, and pressure drop (pressure drop data only required for Venturi scrubbers) over the period of the performance test by computing the average of all of the 15-minute readings.
6. Measure HCN concentration	A method approved by the Administrator	i. Conduct the performance test according to the site-specific test plan submitted according to §63.7(c)(2)(i). Measure total HCN emissions and determine the reduction efficiency of the control device. Any performance test which measures HCN concentrations must be submitted for the administrator's approval

		prior to testing. You must use EPA Method 301 (40 CFR part 63, Appendix A) to validate your method. ii. Collect scrubber liquid flow rate, scrubber effluent pH, and pressure drop (pressure drop data only required for venturi scrubbers) every 15 minutes during the entire duration of each 1-hour test run, and determine the average scrubber liquid flow rate, scrubber effluent pH, and pressure drop (pressure drop data only required for venturi scrubbers) over the period of the performance test by computing the average of all of the 15-minute readings.
7. If you use any control device other than a scrubber, determine control device efficiency and establish operating parameter limits with which you will demonstrate continuous compliance with the emission limit that applies to the source	EPA-approved methods and data from the continuous parameter monitoring system	i. Conduct the performance test according to the site-specific test plan submitted according to §63.7(c)(2)(i). ii. Collect operating parameter data as specified in the site-specific test plan.
8. Measure HCl concentration	Method 26A in appendix A to part 60 of this chapter	Measure total HCl emissions.

17. Table 4 to subpart MMMMM is amended by adding entry 4 to read as follows:

Table 4 to Subpart MMMMM of Part 63—Initial Compliance With Emission Limits

* * * * *

For . . .	**For the following emission limit . . .**	**You have demonstrated initial compliance if . . .**
* * * * * * *		
4. Each existing flame lamination affected source	Emit no more than 1.45 pounds per hour of HCl	The average HCl emissions, measured over the period of the performance test(s) do not exceed 1.45 pounds per hour.

18. Table 5 to subpart MMMMM is amended by revising entries 2 and 3 to read as follows:

Table 5 to Subpart MMMMM of Part 63—Continuous Compliance With Emission Limits and Operating Limits

* * * * *

For . . .	For the following emission limits or operating limits . . .	You must demonstrate continuous compliance by . . .
* * * * * * *		
2. Each existing, new or reconstructed flame lamination affected source using a scrubber	* * *	* * *
3. Each existing, new or reconstructed flame lamination affected source using any other control device	* * *	* * *

19. Table 6 to subpart MMMMM is amended by revising table introductory text and entry 4 and removing entry 5. The revisions read as follows:

Table 6 to Subpart MMMMM of Part 63—Requirements for Reports

You must submit a compliance report that includes the information in §63.8818(e) through (g) as well as the information in the following table, as applicable. Rows 1 and 3 of the following table apply to loop slitter affected sources. Rows 1 through 4 apply to flame lamination affected sources.

If . . .	Then you must submit a report or statement that . . .
* * * * * * *	
4. There were periods during which the operating parameter monitoring systems were out-of-control in information in accordance with the monitoring plan	Contains the information in §63.8818(f)(2).

20. Table 7 to subpart MMMMM is amended to read as follows:

Table 7 to Subpart MMMMM of Part 63—Applicability of General Provisions to Subpart MMMMM

As stated in §63.8826, you must comply with the applicable General Provisions requirements according to the following table:

Citation	Requirement	Applies to subpart MMMMM	Explanation
§63.1	Initial applicability determination; applicability after standard established; permit requirements; extensions; notifications	Yes.	
§63.2	Definitions	Yes.	Additional definitions are found in §63.8830.
§63.3	Units and abbreviations	Yes.	
§63.4	Prohibited activities; compliance date; circumvention, severability	Yes.	
§63.5	Construction/reconstruction applicability; applications; approvals	Yes.	
§63.6(a)	Compliance with standards and maintenance requirements-applicability	Yes.	
§63.6(b)(1)-(4)	Compliance dates for new or reconstructed sources	Yes.	§63.8786 specifies compliance dates.
§63.6(b)(5)	Notification if commenced construction or reconstruction after proposal	Yes.	
§63.6(b)(6)	[Reserved]	Yes.	
§63.6(b)(7)	Compliance dates for new or reconstructed area sources that become major	Yes.	§63.8786 specifies compliance dates.
§63.6(c)(1)-(2)	Compliance dates for existing sources	Yes.	§63.8786 specifies compliance dates.
§63.6(c)(3)-(4)	[Reserved]	Yes.	
§63.6(c)(5)	Compliance dates for existing area sources that become major	Yes.	§63.8786 specifies compliance dates.
§63.6(d)	[Reserved]	Yes.	

§63.6(e)(1)(i)	General duty to minimize emissions	No.	§63.8794(c) specifies general duty requirements.
§63.6(e)(1)(ii)	Requirement to correct malfunctions as soon as possible	No.	
§63.6(e)(1)(iii)	Enforceability of requirements independent of other regulations	Yes.	
§63.6(e)(2)	[Reserved]	Yes.	
§63.6(e)(3)	Startup, shutdown, and malfunction plans	No.	
§63.6(f)(1)	Compliance except during SSM	No.	
§63.6(f)(2)-(3)	Methods for determining compliance	Yes.	
§63.6(g)	Use of an alternative nonopacity emission standard	Yes.	
§63.6(h)	Compliance with opacity/visible emission standards	No.	Subpart MMMMM does not specify opacity or visible emission standards.
§63.6(i)	Extension of compliance with emission standards	Yes.	
§63.6(j)	Presidential compliance exemption	Yes.	
§63.7(a)(1)-(2)	Performance test dates	Yes.	Except for loop slitter affected sources as specified in §63.8798(a).
§63.7(a)(3)	Administrator's section 114 authority to require a performance test	Yes.	
§63.7(b)	Notification of performance test and rescheduling	Yes.	
§63.7(c)	Quality assurance program and site-specific test plans	Yes.	
§63.7(d)	Performance testing facilities	Yes.	

§63.7(e)(1)	Conditions for conducting performance tests	No.	Requirements for performance test conditions are found in §63.8800(b) and (c).
§63.7(e)(2)-(3)	Performance test data reduction and number of test runs	Yes.	
§63.7(f)	Use of an alternative test method	Yes.	
§63.7(g)	Performance test data analysis, recordkeeping, and reporting	Yes.	
§63.7(h)	Waiver of performance tests	Yes.	
§63.8(a)(1)-(2)	Applicability of monitoring requirements	Yes.	Unless otherwise specified, all of §63.8 applies only to new or reconstructed flame lamination sources. Additional monitoring requirements for these sources are found in §§63.8794(f) and (g) and 63.8804.
§63.8(a)(3)	[Reserved]	Yes.	
§63.8(a)(4)	Monitoring with flares	No.	Subpart MMMMM does not refer directly or indirectly to §63.11.
§63.8(b)	Conduct of monitoring and procedures when there are multiple effluents and multiple monitoring systems	Yes.	
§63.8(c)(1)-(3)	Continuous monitoring system (CMS) operation and maintenance	No.	CMS requirements are found in §63.8794(f) and (g).
§63.8(c)(4)	Continuous monitoring system requirements during breakdown, out-of-control, repair, maintenance, and high-level calibration drifts	Yes.	Applies as modified by §63.8794(g).
§63.8(c)(5)	Continuous opacity monitoring system (COMS) minimum procedures	No.	Subpart MMMMM does not have opacity or visible emission standards.

§63.8(c)(6)	Zero and high level calibration checks	Yes.	Applies as modified by §63.8794(f).
§63.8(c)(7)-(8)	Out-of-control periods, including reporting	Yes.	
§63.8(d)-(e)	Quality control program and CMS performance evaluation	No.	CMS requirements are found in §63.8794(f) and (g).
§63.8(f)(1)-(5)	Use of an alternative monitoring method	Yes.	
§63.8(f)(6)	Alternative to relative accuracy test	No.	Only applies to sources that use continuous emissions monitoring systems (CEMS).
§63.8(g)	Data reduction	Yes.	Applies as modified by §63.8794(g).
§63.9(a)	Notification requirements—applicability	Yes.	
§63.9(b)	Initial notifications	Yes.	Except §63.8816(c) requires new or reconstructed affected sources to submit the application for construction or reconstruction required by §63.9(b)(1)(iii) in lieu of the initial notification.
§63.9(c)	Request for compliance extension	Yes.	
§63.9(d)	Notification that a new source is subject to special compliance requirements	Yes.	
§63.9(e)	Notification of performance test	Yes.	
§63.9(f)	Notification of visible emissions/opacity test	No.	Subpart MMMMM does not have opacity or visible emission standards.
§63.9(g)(1)	Additional CMS notifications—date of CMS performance evaluation	Yes.	

§63.9(g)(2)	Use of COMS data	No.	Subpart MMMMM does not require the use of COMS.
§63.9(g)(3)	Alternative to relative accuracy testing	No.	Applies only to sources with CEMS.
§63.9(h)	Notification of compliance status	Yes.	
§63.9(i)	Adjustment of submittal deadlines	Yes.	
§63.9(j)	Change in previous information	Yes.	
§63.9(k)	Electronic reporting procedures	Yes.	
§63.10(a)	Recordkeeping/reporting applicability	Yes.	
§63.10(b)(1)	General recordkeeping requirements	Yes.	§§63.8820 and 63.8822 specify additional recordkeeping requirements.
§63.10(b)(2)(i) and (ii)	Records related to startup, shutdown, and malfunction periods and CMS	No.	
§63.10(b)(2)(iii)	Records of maintenance on air pollution control equipment.	Yes.	
§63.10(b)(2)(iv) and (v)	Records related to SSM	No.	
§63.10(b)(2)(vi) – (xi)	Records of CMS and other compliance records	Yes.	
§63.10(b)(2)(xii)	Records when under waiver	Yes.	
§63.10(b)(2)(xiii)	Records when using alternative to relative accuracy test	No.	Applies only to sources with CEMS.
§63.10(b)(2)(xiv)	All documentation supporting initial notification and notification of compliance status	Yes.	
§63.10(b)(3)	Recordkeeping requirements for applicability determinations	Yes.	
§63.10(c)	Additional recordkeeping requirements for sources with CMS	Yes.	Applies as modified by §63.8794(g).

§63.10(d)(1)	General reporting requirements	Yes.	§63.8818 specifies additional reporting requirements.
§63.10(d)(2)	Performance test results	Yes.	
§63.10(d)(3)	Opacity or visible emissions observations	No.	Subpart MMMMM does not specify opacity or visible emission standards.
§63.10(d)(4)	Progress reports for sources with compliance extensions	Yes.	
§63.10(d)(5)	Startup, shutdown, and malfunction reports	No.	
§63.10(e)(1)	Additional CMS reports—general	Yes.	Applies as modified by §63.8794(g).
§63.10(e)(2)(i)	Results of CMS performance evaluations	Yes.	Applies as modified by §63.8794(g).
§63.10(e)(2)	Results of continuous opacity monitoring systems performance evaluations	No.	Subpart MMMMM does require the use of COMS.
§63.10(e)(3)	Excess emissions/CMS performance reports	Yes.	Only applies to new or reconstructed flame lamination affected sources.
§63.10(e)(4)	Continuous opacity monitoring system data reports	No.	Subpart MMMMM does not require the use of COMS.
§63.10(f)	Recordkeeping/reporting waiver	Yes.	
§63.11.	Control device requirements—applicability	No.	Facilities subject to subpart MMMMM do not use flares as control devices.
§63.12	State authority and delegations	Yes.	§63.8828 lists those sections of subparts MMMMM and A that are not delegated.
§63.13	Addresses	Yes.	

§63.14	Incorporation by reference	Yes.	Subpart MMMMM does not incorporate any material by reference.
§63.15	Availability of information/confidentiality.	Yes.	

21. Table 8 to Subpart MMMMM of Part 63 is added to read as follows:

Table 8 to Subpart MMMMM of Part 63—List of Hazardous Air Pollutants That Must Be Counted Toward Total HAP Content if Present at 0.1 Percent or More by Weight

Chemical Name	**CAS No.**
1,1,2,2-Tetrachloroethane	79-34-5
1,1,2-Trichloroethane	79-00-5
1,1-Dimethylhydrazine	57-14-7
1,2-Dibromo-3-chloropropane	96-12-8
1,2-Diphenylhydrazine	122-66-7
1,3-Butadiene	106-99-0
1,3-Dichloropropene	542-75-6
1,4-Dioxane	123-91-1
2,4,6-Trichlorophenol	88-06-2
2,4/2,6-Dinitrotoluene (mixture)	25321-14-6
2,4-Dinitrotoluene	121-14-2
2,4-Toluene diamine	95-80-7
2-Nitropropane	79-46-9
3,3'-Dichlorobenzidine	91-94-1
3,3'-Dimethoxybenzidine	119-90-4
3,3'-Dimethylbenzidine	119-93-7
4,4'-Methylene bis(2-chloroaniline)	101-14-4
Acetaldehyde	75-07-0
Acrylamide	79-06-1

Acrylonitrile	107-13-1
Allyl chloride	107-05-1
alpha-Hexachlorocyclohexane (a-HCH)	319-84-6
Aniline	62-53-3
Benzene	71-43-2
Benzidine	92-87-5
Benzotrichloride	98-07-7
Benzyl chloride	100-44-7
beta-Hexachlorocyclohexane (b-HCH)	319-85-7
Bis(2-ethylhexyl)phthalate	117-81-7
Bis(chloromethyl)ether	542-88-1
Bromoform	75-25-2
Captan	133-06-2
Carbon tetrachloride	56-23-5
Chlordane	57-74-9
Chlorobenzilate	510-15-6
Chloroform	67-66-3
Chloroprene	126-99-8
Cresols (mixed)	1319-77-3
DDE	3547-04-4
Dichloroethyl ether	111-44-4
Dichlorvos	62-73-7
Epichlorohydrin	106-89-8
Ethyl acrylate	140-88-5
Ethylene dibromide	106-93-4
Ethylene dichloride	107-06-2
Ethylene oxide	75-21-8
Ethylene thiourea	96-45-7

Ethylidene dichloride (1,1-Dichloroethane)	75-34-3
Formaldehyde	50-00-0
Heptachlor	76-44-8
Hexachlorobenzene	118-74-1
Hexachlorobutadiene	87-68-3
Hexachloroethane	67-72-1
Hydrazine	302-01-2
Isophorone	78-59-1
Lindane (hexachlorocyclohexane, all isomers)	58-89-9
m-Cresol	108-39-4
Methylene chloride	75-09-2
Naphthalene	91-20-3
Nitrobenzene	98-95-3
Nitrosodimethylamine	62-75-9
o-Cresol	95-48-7
o-Toluidine	95-53-4
Parathion	56-38-2
p-Cresol	106-44-5
p-Dichlorobenzene	106-46-7
Pentachloronitrobenzene	82-68-8
Pentachlorophenol	87-86-5
Propoxur	114-26-1
Propylene dichloride	78-87-5
Propylene oxide	75-56-9
Quinoline	91-22-5
Tetrachloroethene	127-18-4
Toxaphene	8001-35-2
Trichloroethylene	79-01-6

Trifluralin	1582-09-8
Vinyl bromide	593-60-2
Vinyl chloride	75-01-4
Vinylidene chloride	75-35-4

Subpart OOOOOO—National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production and Fabrication Area Sources

22. Section 63.11416 is amended by revising paragraphs (b) and (f) to read as follows:

§63.11416 What are the standards for new and existing sources?

* * * * *

(b) If you own or operate a new or existing slabstock polyurethane foam production affected source, you must not use any material containing methylene chloride for any purpose in any slabstock flexible foam production process.

* * * * *

(f) You may demonstrate compliance with the requirements in paragraphs (b) through (e) of this section using adhesive usage records, Material Safety Data Sheets, and engineering calculations.

23. Section 63.11417 is amended by:

a. Revising paragraph (b) introductory text;

b. Removing and reserving paragraph (b)(1); and

c. Revising paragraph (b)(2) to read as follows:

§63.11417 What are the compliance requirements for new and existing sources?

* * * * *

(b) Each owner or operator of a new or existing slabstock flexible polyurethane foam production affected source must comply with paragraphs (b)(2) and (3) of this section.

(1) [Reserved]

(2) You must submit a notification of compliance status report no later than 180 days after your compliance date. The report must contain this certification of compliance, signed by a responsible official, for the standards in §63.11416(b): “This facility uses no material containing methylene chloride for any purpose on any slabstock flexible foam process.”

* * * * *

24. Section 63.11418 is amended to read as follows:

§63.11418 What General Provisions apply to this subpart?

The provisions in 40 CFR part 63, subpart A, do not apply to sources subject to this subpart.

25. Table 1 to Subpart OOOOOO of Part 63—Applicability of General Provisions to Subpart OOOOOO is removed.

Attachment 2:
Regulatory text with proposed edits in redline/strikeout.

Subpart MMMMM—National Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Fabrication Operations

Contents

SOURCE: 68 FR 18070, Apr. 14, 2003, unless otherwise noted.

What This Subpart Covers

§63.8780 What is the purpose of this subpart?

This subpart establishes national emission standards for hazardous air pollutants (NESHAP) emitted from flexible polyurethane foam fabrication operations. This subpart also establishes requirements to demonstrate initial and continuous compliance with the emission standards.

§63.8782 Am I subject to this subpart?

(a) You are subject to this subpart if you own or operate a flexible polyurethane foam fabrication plant site that operates a flame lamination affected source, as defined at §63.8784(b)(2), and that is located at, or is part of a major emission source of hazardous air pollutants (HAP) or that operates a loop slitter affected source, as defined at §63.8784(b)(1), that meets the criteria in paragraphs (a)(1) and (2) of this section.

(1) The loop slitter affected source uses one or more HAP-based adhesives at any time on or after April 14, 2003.

(2) The loop slitter affected source is located at or is part of a major source of HAP.

(b) A flexible polyurethane foam fabrication plant site is a plant site where pieces of flexible polyurethane foam are bonded together or to other substrates using HAP-based adhesives or flame lamination.

(c) A major source of HAP is a plant site that emits or has the potential to emit any single HAP at a rate of 10 tons or more per year or any combination of HAP at a rate of 25 tons or more per year.

(d) This subpart does not apply to the following processes in paragraphs (d)(1) and (2) of this section:

(1) Processes that produce flexible polyurethane or rebond foam as defined in subpart III of this part.

(2) A research and development facility, as defined in section 112(c)(7) of the Clean Air Act (CAA).

§63.8784 What parts of my plant does this subpart cover?

(a) This subpart applies to each existing, new, or reconstructed affected source at facilities engaged in flexible polyurethane foam fabrication.

(b) The affected sources are defined in this section in paragraphs (b)(1) and (2) of this section.

(1) The loop slitter adhesive use affected source is the collection of all loop slitters and associated adhesive application equipment used to apply HAP-based adhesives to bond foam to foam at a flexible polyurethane foam fabrication plant site.

(2) The flame lamination affected source is the collection of all flame lamination lines associated with the flame lamination of foam to any substrate at a flexible polyurethane foam fabrication plant site.

(c)(1) A new affected source is one that commences construction after August 8, 2001 and meets the applicability criteria of §63.8782 at the time construction commences.

(2) If you add one or more flame lamination lines at a plant site where flame lamination lines already exist, the added line(s) shall be a new affected source and meet new source requirements if the added line(s) are at a flexible polyurethane foam fabrication plant site that has the potential to emit 10 tons per year or more of any HAP or 25 tons or more per year of any combination of HAP.

(d) A reconstructed affected source is one that commences reconstruction after August 8, 2001 and meets the criteria for reconstruction as defined in §63.2.

(e) ~~For each new or reconstructed flame lamination affected source, you must develop a written startup, shutdown, and malfunction plan according to the provisions in §63.6(e)(3).~~ An affected source is existing if it commenced construction or reconstruction on or before August 8, 2001.

[68 FR 18070, Apr. 14, 2003, as amended at 71 FR 20470, Apr. 20, 2006]

§63.8786 When do I have to comply with this subpart?

(a) If you have a new or reconstructed affected source, you must comply with this subpart according to paragraphs (a)(1) and (2) of this section.

(1) If you start up your new or reconstructed affected source before April 14, 2003, then you must comply with the emission standards for new or reconstructed sources in this subpart no later than April 14, 2003.

(2) If you start up your new or reconstructed affected source on or after April 14, 2003, then you must comply with the emission standards for new or reconstructed sources in this subpart upon startup of your affected source.

(b) If you have an existing affected source, you must comply with this subpart according to paragraphs (b)(1) and (b)(2) of this section, as applicable.

(1) If you have an existing loop slitter affected source, you must comply with the emission standards for existing sources no later than ~~1 year after~~ April 14, 2004~~3~~.

(2) If you have an existing flame lamination affected source, you must comply with the emission standards for existing sources no later than [DATE 180 DAYS AFTER DATE OF PUBLICATION OF THE FINAL RULE IN THE **Federal Register**].

(c) If you have an area source that increases its emissions or its potential to emit such that it becomes a major source of HAP and an affected source subject to this subpart, the provisions in paragraphs (c)(1) and (2) of this section apply.

(1) A new affected source as specified at §63.8784(c) or a reconstructed affected source as specified at §63.8784(d) must be in compliance with this subpart upon startup.

(2) An existing affected source as specified at §63.8784(e) must be in compliance with this subpart no later than 1 year after the date on which the area source became a major source.

(d) You must meet the notification requirements in §63.8816 according to the schedule in §63.8816 and in subpart A of this part. Some of the notifications must be submitted before you are required to comply with the emission standards in this subpart.

(e) If you have a loop slitter affected source, you must have data on hand beginning on the compliance date specified in paragraph (b) of this section as necessary to demonstrate that your adhesives are not HAP-based. The types of data necessary are described in §§63.8802 and 63.8810.

(f) You must comply with the electronic reporting requirements according to paragraphs (f)(1) and (f)(2) of this section.

(1) You must comply with the performance test and CMS performance evaluation requirements of §63.8818(j) on or before [DATE 180 DAYS AFTER DATE OF PUBLICATION OF THE FINAL RULE IN THE **Federal Register**].

(2) You must comply with the compliance report requirements of §63.8818(k) on or before [DATE 180 DAYS AFTER DATE OF PUBLICATION OF THE FINAL RULE IN THE FEDERAL REGISTER] or once the report template for this subpart has been available on the CEDRI website for one year, whichever date is later.

Emission Limitations

§63.8790 What emission limitations must I meet?

(a) You must meet each emission limit in Table 1 to this subpart that applies to you.

(b) You must meet each operating limit in Table 2 to this subpart that applies to you.

General Compliance Requirements

§63.8794 What are my general requirements for complying with this subpart?

(a) For each loop slitter adhesive use affected source, you must be in compliance with the requirements in this subpart at all times.

(b) For each ~~new or reconstructed~~ flame lamination affected source, you must be in compliance with the requirements in this subpart at all times.~~, except during periods of startup, shutdown, and malfunction.~~

(c) ~~You must always operate and maintain your affected source, including air pollution control and monitoring equipment, according to the provisions in §63.6(e)(1)(i).~~At all times, you must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. The general duty to minimize emissions does not require you to make any further efforts to reduce emissions if levels required by the applicable standard have

been achieved. Determination of whether a source is operating in compliance with operation and maintenance requirements will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.

(d) For flame lamination affected sources in §63.8786 using a control device to comply with the emission limitations in Table 1 to this subpart, you must maintain a log detailing the operation and maintenance of the process and emissions control equipment ~~D~~during the period between the compliance date specified for your ~~new or reconstructed~~ flame lamination affected source in §63.8786, and the date upon which continuous compliance monitoring systems required by §63.8810(c) have been installed and verified and any applicable operating limits have been set.~~, you must maintain a log detailing the operation and maintenance of the process and emissions control equipment~~.

(e) [Reserved] ~~For each new or reconstructed flame lamination affected source, you must develop a written startup, shutdown, and malfunction plan according to the provisions in §63.6(e)(3)~~.

(f) For each monitoring system required by §63.8810(c)~~in this section~~ for ~~new or reconstructed~~ flame lamination sources, you must develop and submit for approval a site-specific monitoring plan that addresses the requirements in paragraphs (f)(1) through (3) of this section.

(1) Installation of the continuous monitoring system (CMS) sampling probe or other interface at a measurement location relative to each affected process unit such that the measurement is representative of control of the exhaust emissions (*e.g.,* on or downstream of the last control device);

(2) Performance and equipment specifications for the sample interface, the pollutant concentration or parametric signal analyzer, and the data collection and reduction system; and

(3) Performance evaluation procedures and acceptance criteria (*e.g.,* calibrations).

(g) In your site-specific monitoring plan, you must also address the ongoing procedures specified in paragraphs (g)(1) through (3) of this section.

(1) Ongoing operation and maintenance procedures in accordance with the general requirements of §§63.8(c)(1), (3), (4)(ii), (7), and (8), and 63.8804;

(2) Ongoing data quality assurance procedures in accordance with the general requirements of §63.8(d); and

(3) Ongoing recordkeeping and reporting procedures in accordance with the general requirements of §63.10(c), (e)(1), and (e)(2)(i).

[68 FR 18070, Apr. 14, 2003, as amended at 71 FR 20470, Apr. 20, 2006]

Testing and Initial Compliance Requirements

§63.8798 By what date must I conduct performance tests or other initial compliance demonstrations?

(a) For each loop slitter affected source, you must conduct the initial compliance demonstration by the compliance date that is specified for your source in §63.8786.

(b) For each ~~new or reconstructed~~ flame lamination affected source, you must conduct performance tests ~~within 180 calendar days after~~by the compliance date that is specified for your source in §63.8786 and according to the provisions in §63.7(a)(2).

(c) You must conduct subsequent performance tests to demonstrate compliance with the flame lamination emissions limitations in Table 1 to this subpart no less frequently than every 5 years from the date of the last performance test.

§63.8800 What performance tests and other procedures must I use to demonstrate compliance with the emission limit for flame lamination?

(a) You must conduct each performance test in Table 3 to this subpart that applies to you.

(b) Each performance test must be conducted according to the requirements in paragraph (c) of this section~~§63.7(e)(1)~~ and under the specific conditions in Table 3 to this subpart.

(c) ~~You may not conduct performance tests during periods of startup, shutdown, or malfunction, as specified in §63.7(e)(1).~~You must conduct each performance test under conditions representative of normal operations. You may not conduct performance tests during periods of startup, shutdown, or malfunction. The owner or operator must record the process information that is necessary to document operating conditions during the test and include in such record an explanation to support that such conditions represent normal operation. Upon request, the owner or operator shall make available to the Administrator such records as may be necessary to determine the conditions of performance tests.

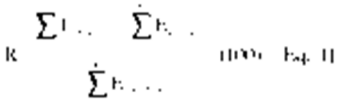
(d) You must conduct at least three separate test runs for each performance test required in this section, as specified in §63.7(e)(3). Each test run must last at least 1 hour.

(e) For new and reconstructed affected sources, y~~Y~~ou must determine the percent reduction of HAP emissions during the performance test according to paragraphs (e)(1) through (3) of this section.

(1) If you use chlorinated fire retardant foams, determine the percent reduction of HCl to represent HAP emissions from the source. If you do not use chlorinated fire retardant foams, determine the percent reduction of HCN to represent HAP emissions from the source.

(2) Calculate the concentration of HAP at the control device inlet and at the control device outlet using the procedures in the specified test method.

(3) Compare the calculated HAP concentration at the control device inlet to the calculated HAP concentration at the control device outlet to determine the percent reduction over the period of the performance test, using Equation 1 of this section:



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Where:

R = Efficiency of control device, percent.

$E_{inlet,i}$ = HAP concentration of control device inlet stream for test run i, mg/dscm.

$E_{outlet,i}$ = HAP concentration of control device outlet stream for test run i, mg/dscm.

n = Number of runs conducted for the performance test.

(f) For existing affected sources, you must conduct performance tests according to paragraph (e) for flame lamination units using an emissions control device. For flame lamination units without an emissions control device, you must determine the concentration of HCl in the vent at the outlet to the atmosphere.

(~~f~~g) You must also meet the requirements in paragraphs (~~f~~g)(1) and (2) of this section.

(1) Conduct the performance tests using foams that are representative of foams typically used at your flame lamination affected source. If you use foams containing chlorinated fire retardants, you must conduct the performance tests using these foams.

(2) Establish all applicable operating limits that correspond to the control system efficiency as described in Table 3 to this subpart.

§63.8802 What methods must I use to demonstrate compliance with the emission limitation for loop slitter adhesive use?

(a) *Determine the HAP content for each material used.* To determine the HAP content for each material used in your foam fabrication operations, you must use one of the options in paragraphs (a)(1) through (3) of this section. If you use the option in paragraph (a)(3) of this section, you are subject to the provisions of paragraph (a)(4) of this section.

(1) *Method 311 (appendix A to 40 CFR part 63).* You may use Method 311 for determining the mass fraction of HAP. Use the procedures specified in paragraphs (a)(1)(i) and (ii) of this section when determining HAP content by Method 311.

(i) Include in the HAP total each HAP in Table 8 of this subpart that is measured ~~to be present at 0.1 percent by mass or more for Occupational Safety and Health Administration (OSHA)-defined carcinogens as specified in 29 CFR 1910.1200(d)(4) and~~ at 0.1~~.0~~ percent by ~~mass~~ weight or more and any other HAP that is measured at 1.0 percent by weight or more. ~~for other compounds. For example, if toluene (not an OSHA carcinogen) is measured to be 0.5 percent of the material by mass, you do not need to include it in the HAP total.~~ Express the ~~mass~~ weight fraction of each HAP you measure as a value truncated to four places after the decimal point (for example, 0.1234).

(ii) Calculate the total HAP content in the test material by adding up the individual HAP contents and truncating the result to three places after the decimal point (for example, 0.123).

(2) *Alternative method.* You may use an alternative test method for determining mass fraction of HAP if you obtain prior approval by the Administrator. You must follow the procedure in §63.7(f) to submit an alternative test method for approval.

(3) *Information from the supplier or manufacturer of the material.* You may rely on information other than that generated by the test methods specified in paragraphs (a)(1) and (2) of this section to determine the mass fraction of HAP according to paragraphs (a)(3)(i) and (ii) of this section. This information may include, but is not limited to, a material safety data sheet (MSDS), a certified product data sheet (CPDS), or a manufacturer's hazardous air pollutant data sheet.

(i) Include in the HAP total each HAP in Table 8 of this subpart that is present at ~~0.1 percent by mass or more for OSHA-defined carcinogens as specified in 29 CFR 1910.1200(d)(4) and at 1.0~~0.1 percent by ~~mass~~ weight or more and any other HAP that is present at 1.0 percent by weight or more. ~~for other compounds. For example, if toluene (not an OSHA carcinogen) is 0.5 percent of the material by mass, you do not have to include it in the HAP total~~.

(ii) If the HAP content is provided by the material supplier or manufacturer as a range, then you must use the upper limit of the range for determining compliance.

(4) *Verification of supplier or manufacturer information.* Although you are not required to perform testing to verify the information obtained according to paragraph (a)(3) of this section, the Administrator may require a separate measurement of the total HAP content using the methods specified in paragraph (a)(1) or (2) of this section. If this measurement exceeds the total HAP content provided by the material supplier or manufacturer, then you must use the measured HAP content to determine compliance.

(b) [Reserved]

§63.8806 How do I demonstrate initial compliance with the emission limitations?

(a) You must demonstrate initial compliance with each emission limit that applies to you according to Table 4 to this subpart.

(b) You must establish each site-specific operating limit in Table 2 to this subpart that applies to you according to the requirements in §63.8800 and Table 3 to this subpart.

(c) You must submit the Notification of Compliance Status containing the results of the initial compliance demonstration according to the requirements in §63.8816(e) through (h).

Continuous Compliance Requirements

§63.8810 How do I monitor and collect data to demonstrate continuous compliance?

(a) If you own or operate a loop slitter adhesive use affected source, you must meet the requirements in paragraphs (a)(1) and (2) of this section.

(1) Maintain a list of each adhesive and the manufacturer or supplier of each.

(2) Maintain a record of EPA Method 311 (appendix A to 40 CFR part 63), approved alternative method, or other reasonable means of HAP content determinations indicating the mass percent of each HAP for each adhesive.

(b) If you own or operate a ~~new or reconstructed~~ flame lamination affected source, you must meet the requirements in paragraphs (b)(1) through (3) of this section if you use a scrubber, or paragraph (b)(4) of this section if you use any other control device.

(1) Keep records of the daily average scrubber inlet liquid flow rate.

(2) Keep records of the daily average scrubber effluent pH.

(3) If you use a venturi scrubber, keep records of daily average pressure drop across the venturi.

(4) Keep records of operating parameter values for each operating parameter that applies to you.

(c) If you own or operate a control device to meet the emissions limitations for a ~~new or reconstructed~~ flame lamination affected source, you must meet the requirements in paragraphs (c)(1) through (4) of this section.

(1) Except for periods of monitoring~~- malfunctions,~~ associated repairs~~,~~ and required quality assurance or control activities (including, as applicable, calibration checks and required zero and span adjustments), you must monitor continuously (or collect data at all required intervals) at all times that the affected source is operating. ~~This includes periods of startup, shutdown, and malfunction when the affected source is operating. A monitoring malfunction includes, but is not limited to, any sudden, infrequent, not reasonably preventable failure of the monitoring device to provide valid data. Monitoring failures that are caused by poor maintenance or careless operation are not malfunctions.~~

(2) In data average calculations and calculations used to report emission or operating levels, you may not use data recorded during monitoring malfunctions, associated repairs, or recorded during required quality assurance or control activities. Nor may such data be used in fulfilling any applicable minimum data availability requirement. You must use all the data collected during all other periods in assessing the operation of the control device and associated control system.

(3) You must conduct a performance evaluation of each CMS in accordance with your site-specific monitoring plan.

(4) You must operate and maintain the CMS in continuous operation according to the site-specific monitoring plan.

§63.8812 How do I demonstrate continuous compliance with the emission limitations?

(a) You must demonstrate continuous compliance with each emission limit and operating limit in Tables 1 and 2 to this subpart that applies to you according to the methods specified in Table 5 to this subpart.

(b) You must report each instance in which you did not meet each emission limit and each operating limit in Tables 1 and 2 to this subpart that apply to you. ~~For new or reconstructed flame lamination affected sources, this includes periods of startup, shutdown, and malfunction.~~ These instances are deviations from the operating limits in this subpart. These deviations must be reported according to the requirements in §63.8818.

(c) [Reserved]

(d) [Reserved] ~~Consistent with §§63.6(e) and 63.7(e)(1), deviations that occur at a new or reconstructed flame lamination affected source during a period of startup, shutdown, or malfunction are not violations if you demonstrate to the Administrator's satisfaction that you were operating in accordance with §63.6(e)(1). The Administrator will determine whether deviations that occur at a new or reconstructed flame lamination affected source during a period of startup, shutdown, or malfunction are violations, according to the provisions in §63.6(e).~~

(e) You ~~also~~ must meet the following requirements if you are complying with the adhesive use ban for loop slitter adhesive use described in §63.8790(a).

(1) If, after you submit the Notification of Compliance Status, you use an adhesive for which you have not previously verified percent HAP mass using the methods in §63.8802, you must verify that each adhesive used in the affected source meets the emission limit, using any of the methods in §63.8802.

(2) You must update the list of all the adhesives used at the affected source.

(3) With the compliance report for the reporting period during which you used the new adhesive, you must submit the updated list of all adhesives and a statement certifying that, as purchased, each adhesive used at the affected source during the reporting period met the emission limit in Table 1 to this subpart.

[68 FR 18070, Apr. 14, 2003, as amended at 71 FR 20470, Apr. 20, 2006]

Notification, Reports, and Records

§63.8816 What notifications must I submit and when?

(a) You must submit all of the notifications in §§63.7(b) and (c), 63.8(f), and 63.9(b) through (h) that apply to you.

(b) If you own or operate an existing loop slitter or flame lamination affected source, submit an initial notification no later than 120 days after April 14, 2003 or no later than 120 days after the source becomes subject to this subpart, whichever is later.

(c) If you own or operate a new or reconstructed loop slitter or flame lamination affected source, submit the application for construction or reconstruction required by §63.9(b)(1)(iii) in lieu of the initial notification.

(d) If you own or operate a ~~new or reconstructed~~ flame lamination affected source, submit a notification of intent to conduct a performance test at least 60 calendar days before the performance test is scheduled to begin, as required in §63.7(b)(1).

(e) If you own or operate a loop slitter affected source, submit a Notification of Compliance Status according to §63.9(h)(2)(ii) within 60 days of the compliance date specified in §63.8786.

(f) If you own or operate a ~~new or reconstructed~~ flame lamination affected source, submit a Notification of Compliance Status according to §63.9(h)(2)(ii) that includes the results of the performance test conducted according to the requirements in Table 3 to this subpart. You must submit the notification before the close of business on the 60th calendar day following the completion of the performance test according to §63.10(d)(2).

(g) For each ~~new or reconstructed~~ flame lamination affected source, the Notification of Compliance Status must also include the information in paragraphs (g)(1) and (2) that applies to you.

(1) The operating parameter value averaged over the full period of the performance test (for example, average pH).

(2) The operating parameter range within which HAP emissions are reduced to the level corresponding to meeting the applicable emission limits in Table 1 to this subpart.

(h) For each loop slitter adhesive use affected source, the Notification of Compliance Status must also include the information listed in paragraphs (h)(1) and (2) of this section.

(1) A list of each adhesive used at the affected source, its HAP content (percent by weight~~mass~~), and the manufacturer or supplier of each.

(2) A statement certifying that each adhesive that was used at the affected source during the reporting period met the emission limit in Table 1 to this subpart.

§63.8818 What reports must I submit and when?

(a) You must submit each report in Table 6 to this subpart that applies to you.

(b) Unless the Administrator has approved a different schedule for submission of reports under §63.10(a), you must submit each compliance report for ~~new or reconstructed~~ flame lamination affected sources semiannually according to paragraphs (b)(1) through (4) of this section.

(1) The first compliance report must cover the period beginning on the compliance date that is specified for your affected source in §63.8786 and ending on June 30 or December 31, whichever date is the first date following the end of the first calendar half after the compliance date that is specified for your source in §63.8786.

(2) The first compliance report must be postmarked or delivered no later than July 31 or January 31, whichever date follows the end of the first calendar half after the compliance date that is specified for your affected source in §63.8786.

(3) Each subsequent compliance report must cover the semiannual reporting period from January 1 through June 30 or the semiannual reporting period from July 1 through December 31.

(4) Each subsequent compliance report must be postmarked or delivered no later than July 31 or January 31, whichever date is the first date following the end of the semiannual reporting period.

(c) For each loop slitter adhesive use affected source, you may submit annual compliance reports in place of semiannual reports.

(d) For each affected source that is subject to permitting regulations pursuant to 40 CFR part 70 or 40 CFR part 71, and if the permitting authority has established dates for submitting semiannual reports pursuant to 40 CFR 70.6(a)(3)(iii)(A) or 40 CFR 71.6(a)(3)(iii)(A), you may submit the first and subsequent compliance reports according to the dates the permitting authority has established instead of according to the dates in paragraphs (b)(1) through (4) of this section.

(e) The compliance report must contain the information in paragraphs (e)(1) through (5) of this section.

(1) Company name and address.

(2) Statement by a responsible official with that official's name, title, and signature, certifying the truth, accuracy and completeness of the content of the report.

(3) Date of report and beginning and ending dates of the reporting period.

(4) If there are no deviations from any emission limitations (emission limit or operating limit) that applies to you, a statement that there were no deviations from the emission limitations during the reporting period.

(5) For each deviation from an emission limitation that occurs, the compliance report must contain the information specified in paragraphs (e)(5)(i) through (iii) of this section.

(i) The total operating time of each affected source during the reporting period.

(ii) Information on the number, duration, and cause of deviations (including unknown cause, if applicable), as applicable, and the corrective action taken.

(iii) Information on the number, duration, and cause for continuous parameter monitoring system (CPMS) downtime incidents, if applicable, other than downtime associated with zero and span and other daily calibration checks.

(f) The compliance report for ~~a new or reconstructed~~ flame lamination affected source~~s required by §63.8810(c) to conduct continuous monitoring~~ must also contain the following information in paragraphs (f)(1) ~~and through~~ (~~3~~2) of this section.

~~(1) If you had a startup, shutdown or malfunction at your new or reconstructed flame lamination affected source during the reporting period and you took actions consistent with your startup, shutdown, and malfunction plan, the compliance report must include the information in §63.10(d)(5)(i)~~

~~.~~(~~2~~1) If there were no periods during which the CPMS was out-of-control in accordance with the monitoring plan, a statement that there were no periods during which the CPMS was out-of-control during the reporting period.

(23) If there were periods during which the CPMS was out-of-control in accordance with the monitoring plan, the date, time, and duration of each out-of-control period.

(g) The compliance report for a loop slitter adhesive use affected source must also contain the following information in paragraphs (g)(1) and (2) of this section.

(1) For each annual reporting period during which you use an adhesive that was not included in the list submitted with the Notification of Compliance Status in §63.8816(h)-(1), an updated list of all adhesives used at the affected source.

(2) A statement certifying that each adhesive that was used at the affected source during the reporting period met the emission limit in Table 1 to this subpart.

(h) Each affected source that has obtained a title V operating permit pursuant to 40 CFR part 70 or 40 CFR part 71 must report all deviations as defined in this subpart in the semiannual monitoring report required by 40 CFR 70.6(a)(3)(iii)(A) or 40 CFR 71.6(a)(3)(iii)(A). If an affected source submits a compliance report pursuant to Table 6 to this subpart along with, or as part of, the semiannual monitoring report required by 40 CFR 70.6(a)(3)(iii)(A) or 40 CFR 71.6(a)(3)(iii)(A), and the compliance report includes all required information concerning deviations from any emission limitation (including any operating limit) in this subpart, submission of the compliance report shall be deemed to satisfy any obligation to report the same deviations in the semiannual monitoring report. However, submission of a compliance report shall not otherwise affect any obligation the affected source may have to report deviations from permit requirements to the permit authority.

(i) ~~For each startup, shutdown, or malfunction during the reporting period where the source does not meet the emission limitations set out in §63.8790 that occurs at a new or reconstructed flame lamination affected source and that is not consistent with your startup, shutdown, and malfunction plan, you must submit an immediate startup, shutdown and malfunction report.~~

~~(1) An initial report containing a description of the actions taken for the event must be submitted by fax or telephone within 2 working days after starting actions inconsistent with the plan.~~

~~(2) A followup report containing the information listed in §63.10(d)(5)(ii) must be submitted within 7 working days after the end of the event unless you have made alternative reporting arrangements with the permitting authority.~~ -Reserved.]

(j) *Performance Test and CMS Performance Evaluation Reports.* Beginning on [DATE 180 DAYS AFTER DATE OF PUBLICATION OF THE FINAL RULE IN THE **FEDERAL REGISTER**], within 60 days after the date of completing each performance test or CMS performance evaluation (as defined in §63.2) required by this subpart, the owner or operator must submit the results of the performance test or performance following the procedures specified in paragraphs (ej)(1) through (3)- of this section.

(1) *Data collected using test methods supported by the EPA's Electronic Reporting Tool (ERT) as listed on the EPA's ERT website (https://www.epa.gov/electronic-reporting-air-*

emissions/electronic-reporting-tool-ert) at the time of the test. Submit the results of the performance test or the performance evaluation of CMS measuring relative accuracy test audit (RATA) pollutants to the EPA via the Compliance and Emissions Data Reporting Interface (CEDRI), which can be accessed through the EPA's Central Data Exchange (CDX) (*https://cdx.epa.gov/*). The data must be submitted in a file format generated through the use of the EPA's ERT. Alternatively, you may submit an electronic file consistent with the extensible markup language (XML) schema listed on the EPA's ERT website.

(2) *Data collected using test methods that are not supported by the EPA's ERT as listed on the EPA's ERT website at the time of the test.* The results of the performance test or the performance evaluation of CMS measuring RATA pollutants by methods that are not supported by the ERT, must be included as an attachment in the ERT or an alternate electronic file consistent with the XML schema listed on the EPA's ERT website. Submit the ERT generated package or alternative file to the EPA via CEDRI.

(3) *Confidential business information (CBI).* Do not use CEDRI to submit information you claim as CBI. Anything submitted using CEDRI cannot later be claimed CBI. Although we do not expect persons to assert a claim of CBI, if you wish to assert a CBI claim for some of the information submitted under paragraph (a)(1) or (2) of this section, you must submit a complete file, including information claimed to be CBI, to the EPA. The file must be generated using the EPA's ERT or an alternate electronic file consistent with the XML schema listed on the EPA's ERT website. Submit the file on a compact disc, flash drive, or other commonly used electronic storage medium and clearly mark the medium as CBI. Mail the electronic medium to U.S. EPA/OAQPS/CORE CBI Office, Attention: Group Leader, Measurement Policy Group, MD C404-02, 4930 Old Page Rd., Durham, NC 27703. The same file with the CBI omitted must be submitted to the EPA via the EPA's CDX as described in paragraphs (a)(1) and (2) of this section. All CBI claims must be asserted at the time of submission. Furthermore, under CAA section 114(c), emissions data is not entitled to confidential treatment, and the EPA is required to make emissions data available to the public. Thus, emissions data will not be protected as CBI and will be made publicly available.

(k) *Submitting reports electronically.* If you are required to submit reports following the procedure specified in this paragraph (k), you must submit reports to the EPA via CEDRI, which can be accessed through the EPA's CDX (*https://cdx.epa.gov/*). The EPA will make all the information submitted through CEDRI available to the public without further notice to you. Do not use CEDRI to submit information you claim as confidential business information (CBI). Anything submitted using CEDRI cannot later be claimed CBI. You must use the appropriate electronic report template on the CEDRI website (*https://www.epa.gov/electronic-reporting-air-emissions/cedri*) for this subpart. The date report templates become available will be listed on the CEDRI website. Unless the Administrator or delegated state agency or other authority has approved a different schedule for submission of reports, the report must be submitted by the deadline specified in this subpart, regardless of the method in which the report is submitted. Although we do not expect persons to assert a claim of CBI, if you wish to assert a CBI claim, submit a complete report, including information claimed to be CBI, to the EPA. The report must be generated using the appropriate form on the CEDRI website. Submit the file on a

compact disc, flash drive, or other commonly used electronic storage medium and clearly mark the medium as CBI. Mail the electronic medium to U.S. EPA/OAQPS/CORE CBI Office, Attention: Flexible Polyurethane Foam Fabrication Sector Lead, MD C404-02, 4930 Old Page Rd., Durham, NC 27703. The same file with the CBI omitted must be submitted to the EPA via the EPA's CDX as described earlier in this paragraph (k). All CBI claims must be asserted at the time of submission. Furthermore, under CAA section 114(c), emissions data is not entitled to confidential treatment, and the EPA is required to make emissions data available to the public. Thus, emissions data will not be protected as CBI and will be made publicly available.

(l) *Claims of EPA system outage*. If you are required to electronically submit a report through CEDRI in the EPA's CDX, you may assert a claim of EPA system outage for failure to timely comply with the reporting requirement. To assert a claim of EPA system outage, you must meet the requirements outlined in paragraphs (~~g~~l)(1) through (7) of this section.

(1) You must have been or will be precluded from accessing CEDRI and submitting a required report within the time prescribed due to an outage of either the EPA's CEDRI or CDX systems.

(2) The outage must have occured within the period of time beginning five business days prior to the date that the submission is due.

(3) The outage may be planned or unplanned.

(4) You must submit notification to the Administrator in writing as soon as possible following the date you first knew, or through due diligence should have known, that the event may cause or has caused a delay in reporting.

(5) You must provide to the Administrator a written description identifying:

(i) The date(s) and time(s) when CDX or CEDRI was accessed and the system was unavailable;

(ii) A rationale for attributing the delay in reporting beyond the regulatory deadline to EPA system outage;

(iii) Measures taken or to be taken to minimize the delay in reporting; and

(iv) The date by which you propose to report, or if you have already met the reporting requirement at the time of the notification, the date you reported.

(6) The decision to accept the claim of EPA system outage and allow an extension to the reporting deadline is solely within the discretion of the Administrator.

(7) In any circumstance, the report must be submitted electronically as soon as possible after the outage is resolved.

(m*) Claims of force majeure*. If you are required to electronically submit a report through CEDRI in the EPA's CDX, you may assert a claim of force majeure for failure to timely comply with the reporting requirement. To assert a claim of force maj~~u~~eure, you must meet the requirements outlined in paragraphs (~~h~~m)(1) through (5) of this section.

(1) You may submit a claim if a force majeure event is about to occur, occurs, or has occurred or there are lingering effects from such an event within the period of time beginning five business days prior to the date the submission is due. For the purposes of this section, a force majeure event is defined as an event that will be or has been caused by circumstances beyond the control of the affected facility, its contractors, or any entity controlled by the affected facility that prevents you from complying with the requirement to submit a report electronically within the time period prescribed. Examples of such events are acts of nature (e.g., hurricanes, earthquakes, or floods), acts of war or terrorism, or equipment failure or safety hazard beyond the control of the affected facility (e.g., large scale power outage).

(2) You must submit notification to the Administrator in writing as soon as possible following the date you first knew, or through due diligence should have known, that the event may cause or has caused a delay in reporting.

(3) You must provide to the Administrator:

(i) A written description of the force majeure event;

(ii) A rationale for attributing the delay in reporting beyond the regulatory deadline to the force majeure event;

(iii) Measures taken or to be taken to minimize the delay in reporting; and

(iv) The date by which you propose to report, or if you have already met the reporting requirement at the time of the notification, the date you reported.

(4) The decision to accept the claim of force majeure and allow an extension to the reporting deadline is solely within the discretion of the Administrator.

(5) In any circumstance, the reporting must occur as soon as possible after the force majeure event occurs.

§63.8820 What records must I keep?

(a) You must keep a copy of each notification and report that you submit to comply with this subpart, including all documentation supporting any Initial Notification or Notification of Compliance Status that you submitted, according to the requirements in §63.10(b)(2)(xiv).

(b) For each ~~new or reconstructed~~ flame lamination affected source, you must also keep the following records specified in paragraphs (b)(1) through (3~~4~~) of this section.

~~(1) The records in §63.6(e)(3)(iii) through (v) related to startup, shutdown, and malfunction.~~

(2~~1~~) Records of performance tests, as required in §63.10(b)(2)(viii).

(3~~2~~) Records of the operating parameter values required in §63.8810(b).

(43) Records of the date and time that each deviation started and stopped and whether the deviation occurred during a period of startup, shutdown, or malfunction or during another period.

(c) For each loop slitter adhesive use affected source, you must keep the following records specified in paragraphs (c)(1) and (2) of this section.

(1) A list of each adhesive and the manufacturer or supplier of each.

(2) A record of EPA Method 311 (appendix A to 40 CFR part 63), approved alternative method, or other reasonable means of determining the mass percent of total HAP for each adhesive used at the affected source.

§63.8822 In what form and how long must I keep my records?

(a) Your records must be in a form suitable and readily available for expeditious review, according to §63.10(b)(1).

(b) As specified in §63.10(b)(1), you must keep each record for 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record.

(c) You must keep each record on site for at least 2 years after the date of each occurrence, measurement, maintenance, corrective action, report, or record, according to §63.10(b)(1). You can keep the records offsite for the remaining 3 years.

Other Requirements and Information

§63.8826 What parts of the General Provisions apply to me?

Table 7 to this subpart shows which sections of the General Provisions in §§63.1 through 63.15 apply to you.

§63.8828 Who implements and enforces this subpart?

(a) This subpart can be implemented and enforced by us, the U.S. Environmental Protection Agency (U.S. EPA), or a delegated authority such as your State, local, or tribal agency. If the U.S. EPA Administrator has delegated authority to your State, local, or tribal agency, then that agency, in addition to the U.S. EPA, has the authority to implement and enforce this subpart. You should contact your U.S. EPA Regional Office to find out if implementation and enforcement of this subpart is delegated to your State, local, or tribal agency.

(b) In delegating implementation and enforcement authority of this subpart to a State, local, or tribal agency under 40 CFR part 63, subpart E, the authorities contained in paragraph (c) of this section are retained by the Administrator of U.S. EPA and are not transferred to the State, local, or tribal agency.

(c) The authorities in paragraphs (c)(1) through (4) that cannot be delegated to State, local, or tribal agencies are as follows:

(1) Approval of alternatives to requirements in §§63.8780, 63.8782, 63.8784, 63.8786, and 63.8790.

(2) Approval of major alternatives to test methods under §63.7(e)(2)(ii) and (f) and as defined in §63.90.

(3) Approval of major alternatives to monitoring under §63.8(f) and as defined in §63.90.

(4) Approval of major alternatives to recordkeeping and reporting under §63.10(f) and as defined in §63.90.

§63.8830 What definitions apply to this subpart?

Terms used in this subpart are defined in the CAA, in 40 CFR 63.2, and in this section as follows:

Adhesive means any chemical substance that is applied for the purpose of bonding foam to foam, foam to fabric, or foam to any other substrate, other than by mechanical means. Products used on humans and animals, adhesive tape, contact paper, or any other product with an adhesive incorporated onto it in an inert substrate shall not be considered adhesives under this subpart.

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

(1) Fails to meet any requirement or obligation established by this subpart, including but not limited to any emission limitation (including any operating limit); or

(2) Fails to meet any term or condition that is adopted to implement an applicable requirement in this subpart and that is included in the operating permit for any affected source required to obtain such a permit; or

(3) Fails to meet any emission limitation (including any operating limit) in this subpart ~~during startup, shutdown, or malfunction~~, regardless of whether or not such failure is permitted by this subpart.

Emission limitation means any emission limit or operating limit.

Flame lamination means the process of bonding flexible foam to one or more layers of material by heating the foam surface with an open flame.

Flame lamination line means the flame laminator and associated rollers.

HAP-based adhesive means an adhesive containing ~~5~~1.0.1 ~~-~~percent by weight~~(by weight)~~ or more of any individual or combination HAP listed in Table 8 to this subpart or 1.0 percent by weight or more of any other individual HAP, according to information from the supplier or manufacturer of the material, EPA Method 311 (appendix A to 40 CFR part 63) or another approved alternative.

Loop slitter means a machine used to create thin sheets of foam from the large blocks of foam or "buns" created at a slabstock flexible polyurethane foam production plant.

Research and development process means a laboratory or pilot plant operation whose primary purpose is to conduct research and development into new processes and products where the operations are under the close supervision of technically trained personnel, and which is not engaged in the manufacture of products for commercial sale, except in a *de minimis* manner.

Responsible official means responsible official as defined in 40 CFR 70.2.

Table 1 to Subpart MMMMM of Part 63—Emission Limits

As stated in §63.8790(a), you must comply with the emission limits in the following table:

For . . .	You must . . .
1. Each existing, new, or reconstructed loop slitter adhesive use affected source	Not use any HAP-based adhesives.
2. Each new or reconstructed flame lamination affected source	Reduce HAP emissions by 90 percent.
3. Each existing flame lamination affected source~~s~~	~~There are no emission limits for existing flame lamination sources. However, you must submit an initial notification per §63.8816(b).~~Emit no more than 1.45 pounds per hour of HCl.

Table 2 to Subpart MMMMM of Part 63—Operating Limits for Existing, New, or Reconstructed ~~New or Reconstructed~~ Flame Lamination Affected Sources

As stated in §63.8790(b), you must comply with the applicable operating limits in the following table:

For each . . .	You must . . .
1. Scrubber	a. Maintain the daily average scrubber inlet liquid flow rate above the minimum value established during the performance test.
	b. Maintain the daily average scrubber effluent pH within the operating range value established during the performance test.
	c. If you use a venturi scrubber, maintain the daily average pressure drop across the venturi within the operating range value established during the performance test.
2. Other type of control device to which flame lamination emissions are ducted	Maintain your operating parameter(s) within the ranges established during the performance test and according to your monitoring plan.

Table 3 to Subpart MMMMM of Part 63—Performance Test Requirements for Existing, New, or Reconstructed Flame Lamination Affected Sources

As stated in §63.8800, you must comply with the requirements for performance tests for ~~new or reconstructed~~ flame lamination affected sources in the following table using the requirements in rows 1 through 5 of the table if you are measuring HCl and using a scrubber, row 6 ~~if you ar~~fore new or reconstructed sources measuring HCN and using a scrubber, ~~and~~ row 7 if you are using any other control device, and row 8 for existing sources not using a control device.

For each existing, new, or reconstructed flame lamination affected source, you must . . .	Using . . .	According to the following requirements . . .
1. Select sampling port's location and the number of traverse ports	Method 1 or 1A in appendix A to part 60 of this chapter	Sampling sites must be located at the inlet and outlet of the scrubber and prior to any releases to the atmosphere.
2. Determine velocity	Method 2, 2A, 2C, 2D, 2F, or 2G in appendix A to part 60 of this chapter.	
3. Determine gas molecular weight	Not applicable	Assume a molecular weight of 29 (after moisture correction) for calculation purposes.
4. Measure moisture content of the stack gas	Method 4 in appendix A to part 60 of this chapter.	

5. Measure HCl concentration ~~if you use chlorinated fire retardants in the laminated foam~~	~~a.~~ Method 26A in appendix A to part 60 of this chapter	i. Measure total HCl emissions and determine the reduction efficiency of the control device using Method 26A. ii. Collect scrubber liquid flow rate, scrubber effluent pH, and pressure drop (pressure drop data only required for venturi scrubbers) every 15 minutes during the entire duration of each 1-hour test run, and determine the average scrubber liquid flow rate, scrubber effluent pH, and pressure drop (pressure drop data only required for Venturi scrubbers) over the period of the performance test by computing the average of all of the 15-minute readings.
6. Measure HCN concentration ~~if you do not use chlorinated fire retardants in the laminated foam~~	~~a.~~ A method approved by the Administrator	i. Conduct the performance test according to the site-specific test plan submitted according to §63.7(c)(2)(i). Measure total HCN emissions and determine the reduction efficiency of the control device. Any performance test which measures HCN concentrations must be submitted for the administrator's approval prior to testing. You must use EPA Method 301 (40 CFR part 63, Appendix A) to validate your method. ii. Collect scrubber liquid flow rate, scrubber effluent pH, and pressure drop (pressure drop data only required for venturi scrubbers) every 15 minutes during the entire duration of each 1-hour test run, and determine the average scrubber liquid flow rate, scrubber effluent pH, and pressure drop (pressure drop data only required for venturi scrubbers) over the period of the performance test by computing the average of all of the 15-minute readings.
~~—~~		~~ii. Collect scrubber liquid flow rate, scrubber effluent pH, and pressure drop (pressure drop data only required for venturi scrubbers) every 15 minutes during the entire duration of~~

		~~each 1-hour test run, and determine the average scrubber liquid flow rate, scrubber effluent pH, and pressure drop (pressure drop data only required for venturi scrubbers) over the period of the performance test by computing the average of all of the 15-minute readings.~~
7. If you use any control device other than a scrubber, ~~D~~determine control device efficiency and establish operating parameter limits with which you will demonstrate continuous compliance with the emission limit that applies to the source ~~if you use any control device other than a scrubber~~	~~a.~~ EPA-approved methods and data from the continuous parameter monitoring system	i. Conduct the performance test according to the site-specific test plan submitted according to §63.7(c)(2)(i). ii. Collect operating parameter data as specified in the site-specific test plan.
8. Measure HCl concentration	Method 26A in appendix A to part 60 of this chapter	Measure total HCl emissions.

Table 4 to Subpart MMMMM of Part 63—Initial Compliance With Emission Limits

As stated in §63.8806, you must comply with the requirements to demonstrate initial compliance with the applicable emission limits in the following table:

For . . .	For the following emission limit . . .	You have demonstrated initial compliance if . . .
1. Each new, reconstructed, or existing loop slitter adhesive use affected source	Eliminate use of HAP-based adhesives	You do not use HAP-based adhesives.
2. Each new or reconstructed flame lamination affected source using a scrubber	Reduce HAP emissions by 90 percent	The average HAP emissions, measured over the period of the performance test(s), are reduced by 90 percent.
3. Each new or reconstructed flame lamination affected source using any other control device emissions by	Reduce HAP emissions by 90 percent	The average HAP emissions, measured over the period of the performance test(s), are reduced by 90 percent.
4. Each existing flame lamination affected source	Emit no more than 1.45 pounds per hour of HCl	The average HCl emissions, measured over the period of the performance

		test(s) do not exceed 1.45 pounds per hour.

Table 5 to Subpart MMMMM of Part 63—Continuous Compliance With Emission Limits and Operating Limits

As stated in §63.8812(a), you must comply with the requirements to demonstrate continuous compliance with the applicable emission limits or operating limits in the following table:

For . . .	For the following emission limits or operating limits . . .	You must demonstrate continuous compliance by . . .
1. Each new, reconstructed, or existing loop slitter affected source	Eliminate use of HAP-based adhesives	Not using HAP-based adhesives.
2. Each existing, new or reconstructed flame lamination affected source using a scrubber	a. Maintain the daily average scrubber inlet liquid flow rate above the minimum value established during the performance b. Maintain the daily average scrubber effluent pH within the operating range established during the performance test c. Maintain the daily average pressure drop across the venturi within the operating range established during the performance test. If you use another type of scrubber (*e.g.,* packed bed or spray tower scrubber), monitoring pressure drop is not required	i. Collecting the scrubber inlet liquid flow rate and effluent pH monitoring data according to §63.8804(a) through (c). ii. Reducing the data to 1-hour and daily block averages according to the requirements in §63.8804(a). iii. Maintaining each daily average scrubber inlet liquid flow rate above the minimum value established during the performance test. iv. Maintaining the daily average scrubber effluent pH within the operating range established during the performance test. v. If you use a venturi scrubber, maintaining the daily average pressure drop across the venturi within the operating range established during the performance test.
3. Each existing, new or reconstructed flame lamination affected source using any other control device	a. Maintain the daily average operating parameters above the minimum value established during the performance test, or within the range	i. Collected the operating parameter data according to the site-specific test plan. ii. Reducing the data to one-hour averages according to the

	established during the performance test, as applicable	requirements in §63.8804(a). iii. Maintaining the daily average during the rate above the minimum value established during the performance test, or within the range established during the performance test, as applicable.

Table 6 to Subpart MMMMM of Part 63—Requirements for Reports

~~As stated in §63.8818(a), y~~You must submit a compliance report that includes the information in §63.8818(e) through (g) as well as the information in the following table, as applicable. Rows 1 and 3 of the following table apply to loop slitter affected sources. Rows 1 through ~~5~~4 apply to flame lamination affected sources. ~~You must also submit startup, shutdown, and malfunction reports according to the requirements in the following table if you own or operate a new or reconstructed flame lamination affected source.~~

If . . .	Then you must submit a report or statement that . . .
1. There are no deviations from any emission limitations that apply to you	There were no deviations from the emission limitations during the reporting period.
2. There were no periods during which the operating parameter monitoring systems were out-of-control in accordance with the monitoring plan	There were no periods during which the CPMS were out-of-control during the reporting period.
3. There was a deviation from any emission limitation during the reporting period	Contains the information in §63.8818(e)(5).
4. There were periods during which the operating parameter monitoring systems were out-of-control in information in accordance with the monitoring plan	Contains the information in §63.8818(f)(~~3~~2).
~~5. There was a startup, shutdown, or malfunction where the source did not meet the emission limitations set out in §63.8790 at a new or reconstructed flame lamination affected source during the reporting period that is not consistent with your startup, shutdown, and malfunction plan.~~	~~Contains the information in §63.8818(i).~~

Table 7 to Subpart MMMMM of Part 63—Applicability of General Provisions to Subpart MMMMM

As stated in §63.8826, you must comply with the applicable General Provisions requirements according to the following table:

Citation	Requirement	Applies to subpart MMMMM	Explanation
§63.1	Initial applicability determination; applicability after standard established; permit requirements; extensions; notifications	Yes.	
§63.2	Definitions	Yes.	Additional definitions are found in §63.8830.
§63.3	Units and abbreviations	Yes.	
§63.4	Prohibited activities; compliance date; circumvention, severability	Yes.	
§63.5	Construction/reconstruction applicability; applications; approvals	Yes.	
§63.6(a)	Compliance with standards and maintenance requirements-applicability	Yes.	
§63.6(b)(1)-(4)	Compliance dates for new or reconstructed sources	Yes.	§63.8786 specifies compliance dates.
§63.6(b)(5)	Notification if commenced construction or reconstruction after proposal	Yes.	
§63.6(b)(6)	[Reserved]	Yes.	
§63.6(b)(7)	Compliance dates for new or reconstructed area sources that become major	Yes.	§63.8786 specifies compliance dates.
§63.6(c)(1)-(2)	Compliance dates for existing sources	Yes.	§63.8786 specifies compliance dates.
§63.6(c)(3)-(4)	[Reserved]	Yes.	
§63.6(c)(5)	Compliance dates for existing area sources that become major	Yes.	§63.8786 specifies compliance dates.
§63.6(d)	[Reserved]	Yes.	
§63.6(e)(1)(i)	~~Operation and maintenance requirements~~General duty to minimize emissions	No~~Yes~~.	§63.8794(c) specifies general duty requirements.
§63.6(e)(1)(ii)	Requirement to correct malfunctions as soon as possible	No.	

§63.6(e)(1)(iii)	Enforceability of requirements independent of other regulations	Yes.	
§63.6(e)(2)	[Reserved]	Yes.	
§63.6(e)(3)	Startup, shutdown, and malfunction plans	~~Yes~~No.	~~Only applies to new or reconstructed flame lamination affected sources.~~
§63.6(f)(1)	Compliance except during SSM	~~Yes~~No.	~~Only applies to new or reconstructed flame lamination affected sources.~~
§63.6(f)(2)-(3)	Methods for determining compliance	Yes.	
§63.6(g)	Use of an alternative nonopacity emission standard	Yes.	
§63.6(h)	Compliance with opacity/visible emission standards	No.	Subpart MMMMM does not specify opacity or visible emission standards.
§63.6(i)	Extension of compliance with emission standards	Yes.	
§63.6(j)	Presidential compliance exemption	Yes.	
§63.7(a)(1)-(2)	Performance test dates	Yes.	Except for loop slitter affected sources as specified in §63.8798(a).
§63.7(a)(3)	Administrator's section 114 authority to require a performance test	Yes.	
§63.7(b)	Notification of performance test and rescheduling	Yes.	
§63.7(c)	Quality assurance program and site-specific test plans	Yes.	
§63.7(d)	Performance testing facilities	Yes.	
§63.7(e)(1)	Conditions for conducting performance tests	No.~~Yes.~~	Requirements for performance test conditions are found in §63.8800(b) and (c).
§63.7(e)(2)-(3)	Performance test data reduction and number of test runs	Yes.	
§63.7(f)	Use of an alternative test method	Yes.	
§63.7(g)	Performance test data analysis, recordkeeping, and reporting	Yes.	

§63.7(h)	Waiver of performance tests	Yes.	
§63.8(a)(1)-(2)	Applicability of monitoring requirements	Yes.	Unless otherwise specified, all of §63.8 applies only to new or reconstructed flame lamination sources. Additional monitoring requirements for these sources are found in §§63.8794(f) and (g) and 63.8804.
§63.8(a)(3)	[Reserved]	Yes.	
§63.8(a)(4)	Monitoring with flares	No.	Subpart MMMMM does not refer directly or indirectly to §63.11.
§63.8(b)	Conduct of monitoring and procedures when there are multiple effluents and multiple monitoring systems	Yes.	
§63.8(c)(1)-(3)	Continuous monitoring system (CMS) operation and maintenance	~~Yes~~No.	~~Applies as modified by~~ CMS requirements are found in §63.8794(f) and (g).
§63.8(c)(4)	Continuous monitoring system requirements during breakdown, out-of-control, repair, maintenance, and high-level calibration drifts	Yes.	Applies as modified by §63.8794(g).
§63.8(c)(5)	Continuous opacity monitoring system (COMS) minimum procedures	No.	Subpart MMMMM does not have opacity or visible emission standards.
§63.8(c)(6)	Zero and high level calibration checks	Yes..	Applies as modified by §63.8794(f).
§63.8(c)(7)-(8)	Out-of-control periods, including reporting	Yes.	
§63.8(d)-(e)	Quality control program and CMS performance evaluation	No.	CMS requirements are found in~~Applies as modified by~~ §63.8794(f) and (g).
§63.8(f)(1)-(5)	Use of an alternative monitoring method	Yes.	
§63.8(f)(6)	Alternative to relative accuracy test	No	Only applies to sources that use continuous

			emissions monitoring systems (CEMS).
§63.8(g)	Data reduction	Yes.	Applies as modified by §63.8794(g).
§63.9(a)	Notification requirements—applicability	Yes.	
§63.9(b)	Initial notifications	Yes.	Except §63.8816(c) requires new or reconstructed affected sources to submit the application for construction or reconstruction required by §63.9(b)(1)(iii) in lieu of the initial notification.
§63.9(c)	Request for compliance extension	Yes.	
§63.9(d)	Notification that a new source is subject to special compliance requirements	Yes.	
§63.9(e)	Notification of performance test	Yes.	
§63.9(f)	Notification of visible emissions/opacity test	No.	Subpart MMMMM does not have opacity or visible emission standards.
§63.9(g)(1)	Additional CMS notifications—date of CMS performance evaluation	Yes.	
§63.9(g)(2)	Use of COMS data	No.	Subpart MMMMM does not require the use of COMS.
§63.9(g)(3)	Alternative to relative accuracy testing	No.	Applies only to sources with CEMS.
§63.9(h)	Notification of compliance status	Yes.	
§63.9(i)	Adjustment of submittal deadlines	Yes.	
§63.9(j)	Change in previous information	Yes.	
§63.9(k)	Electronic reporting procedures	Yes.	~~Only as specified in §63.9(j)~~
§63.10(a)	Recordkeeping/reporting applicability	Yes.	
§63.10(b)(1)	General recordkeeping requirements	Yes.	§§63.8820 and 63.8822 specify additional recordkeeping requirements.

§63.10(b)(2)(i) and (ii) ~~(xi)~~	Records related to startup, shutdown, and malfunction periods and CMS	~~Yes~~ No.	~~Only applies to new or reconstructed flame lamination affected sources.~~
§63.10(b)(2)(iii)	Records of maintenance on air pollution control equipment.	Yes.	
§63.10(b)(2)(iv) and (v)	Records related to SSM	No.	
§63.10(b)(2)(vi) – (xi)	Records of CMS and other compliance records	Yes.	
§63.10(b)(2)(xii)	Records when under waiver	Yes.	
§63.10(b)(2)(xiii)	Records when using alternative to relative accuracy test	No.	Applies only to sources with CEMS.
§63.10(b)(2)(xiv)	All documentation supporting initial notification and notification of compliance status	Yes .	
§63.10(b)(3)	Recordkeeping requirements for applicability determinations	Yes.	
§63.10(c)	Additional recordkeeping requirements for sources with CMS	Yes.	Applies as modified by §63.8794(g).
§63.10(d)(1)	General reporting requirements	Yes.	§63.8818 specifies additional reporting requirements.
§63.10(d)(2)	Performance test results	Yes.	
§63.10(d)(3)	Opacity or visible emissions observations	No.	Subpart MMMMM does not specify opacity or visible emission standards.
§63.10(d)(4)	Progress reports for sources with compliance extensions	Yes.	
§63.10(d)(5)	Startup, shutdown, and malfunction reports	~~Yes~~No.	~~Only applies to new or reconstructed flame lamination affected sources.~~
§63.10(e)(1)	Additional CMS reports—general	Yes.	Applies as modified by §63.8794(g).
§63.10(e)(2)(i)	Results of CMS performance evaluations	Yes.	Applies as modified by §63.8794(g).
§63.10(e)(2)	Results of continuous opacity monitoring systems performance evaluations	No.	Subpart MMMMM does require the use of COMS.

§63.10(e)(3)	Excess emissions/CMS performance reports	Yes.	Only applies to new or reconstructed flame lamination affected sources.
§63.10(e)(4)	Continuous opacity monitoring system data reports	No.	Subpart MMMMM does not require the use of COMS.
§63.10(f)	Recordkeeping/reporting waiver	Yes..	
§63.11.	Control device requirements—applicability	No	Facilities subject to subpart MMMMM do not use flares as control devices.
§63.12	State authority and delegations	Yes.	§63.8828 lists those sections of subparts MMMMM and A that are not delegated.
§63.13	Addresses	Yes.	
§63.14	Incorporation by reference	Yes.	Subpart MMMMM does not incorporate any material by reference.
§63.15	Availability of information/confidentiality.	Yes.	

Table 8 to Subpart MMMMM of Part 63—List of Hazardous Air Pollutants That Must Be Counted Toward Total HAP Content if Present at 0.1 Percent or More by Weight

Chemical Name	CAS No.
1,1,2,2-Tetrachloroethane	79-34-5
1,1,2-Trichloroethane	79-00-5
1,1-Dimethylhydrazine	57-14-7
1,2-Dibromo-3-chloropropane	96-12-8
1,2-Diphenylhydrazine	122-66-7
1,3-Butadiene	106-99-0
1,3-Dichloropropene	542-75-6
1,4-Dioxane	123-91-1
2,4,6-Trichlorophenol	88-06-2
2,4/2,6-Dinitrotoluene (mixture)	25321-14-6
2,4-Dinitrotoluene	121-14-2

2,4-Toluene diamine	95-80-7
2-Nitropropane	79-46-9
3,3'-Dichlorobenzidine	91-94-1
3,3'-Dimethoxybenzidine	119-90-4
3,3'-Dimethylbenzidine	119-93-7
4,4'-Methylene bis(2-chloroaniline)	101-14-4
Acetaldehyde	75-07-0
Acrylamide	79-06-1
Acrylonitrile	107-13-1
Allyl chloride	107-05-1
alpha-Hexachlorocyclohexane (a-HCH)	319-84-6
Aniline	62-53-3
Benzene	71-43-2
Benzidine	92-87-5
Benzotrichloride	98-07-7
Benzyl chloride	100-44-7
beta-Hexachlorocyclohexane (b-HCH)	319-85-7
Bis(2-ethylhexyl)phthalate	117-81-7
Bis(chloromethyl)ether	542-88-1
Bromoform	75-25-2
Captan	133-06-2
Carbon tetrachloride	56-23-5
Chlordane	57-74-9
Chlorobenzilate	510-15-6
Chloroform	67-66-3
Chloroprene	126-99-8
Cresols (mixed)	1319-77-3
DDE	3547-04-4
Dichloroethyl ether	111-44-4

Dichlorvos	62-73-7
Epichlorohydrin	106-89-8
Ethyl acrylate	140-88-5
Ethylene dibromide	106-93-4
Ethylene dichloride	107-06-2
Ethylene oxide	75-21-8
Ethylene thiourea	96-45-7
Ethylidene dichloride (1,1-Dichloroethane)	75-34-3
Formaldehyde	50-00-0
Heptachlor	76-44-8
Hexachlorobenzene	118-74-1
Hexachlorobutadiene	87-68-3
Hexachloroethane	67-72-1
Hydrazine	302-01-2
Isophorone	78-59-1
Lindane (hexachlorocyclohexane, all isomers)	58-89-9
m-Cresol	108-39-4
Methylene chloride	75-09-2
Naphthalene	91-20-3
Nitrobenzene	98-95-3
Nitrosodimethylamine	62-75-9
o-Cresol	95-48-7
o-Toluidine	95-53-4
Parathion	56-38-2
p-Cresol	106-44-5
p-Dichlorobenzene	106-46-7
Pentachloronitrobenzene	82-68-8
Pentachlorophenol	87-86-5
Propoxur	114-26-1

Propylene dichloride	78-87-5
Propylene oxide	75-56-9
Quinoline	91-22-5
Tetrachloroethene	127-18-4
Toxaphene	8001-35-2
Trichloroethylene	79-01-6
Trifluralin	1582-09-8
Vinyl bromide	593-60-2
Vinyl chloride	75-01-4
Vinylidene chloride	75-35-4

Subpart OOOOOO—National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production and Fabrication Area Sources

Contents

SOURCE: 72 FR 38910, July 16, 2007, unless otherwise noted.

Applicability and Compliance Dates

§63.11414 Am I subject to this subpart?

(a) You are subject to this subpart if you own or operate an area source of hazardous air pollutant (HAP) emissions that meets the criteria in paragraph (a)(1) or (2) of this section.

(1) You own or operate a plant that produces flexible polyurethane foam or rebond foam as defined in §63.1292 of subpart III.

(2) You own or operate a flexible polyurethane foam fabrication facility, as defined in §63.11419.

(b) The provisions of this subpart apply to each new and existing affected source that meets the criteria listed in paragraphs (b)(1) through (4) of this section.

(1) A slabstock flexible polyurethane foam production affected source is the collection of all equipment and activities necessary to produce slabstock flexible polyurethane foam.

(2) A molded flexible polyurethane foam production affected source is the collection of all equipment and activities necessary to produce molded foam.

(3) A rebond foam production affected source is the collection of all equipment and activities necessary to produce rebond foam.

(4) A flexible polyurethane foam fabrication affected source is the collection of all equipment and activities at a flexible polyurethane foam fabrication facility where adhesives are used to bond foam to foam or other substrates. Equipment and activities at flexible polyurethane foam fabrication facilities which do not use adhesives to bond foam to foam or other substrates are not flexible polyurethane foam fabrication affected sources.

(c) An affected source is existing if you commenced construction or reconstruction of the affected source on or before April 4, 2007.

(d) An affected source is new if you commenced construction or reconstruction of the affected source after April 4, 2007.

(e) This subpart does not apply to research and development facilities, as defined in section 112(c)(7) of the Clean Air Act (CAA).

(f) You are exempt from the obligation to obtain a permit under 40 CFR part 70 or 40 CFR part 71, provided you are not otherwise required by law to obtain a permit under 40 CFR 70.3(a) or 40 CFR 71.3(a). Notwithstanding the previous sentence, you must continue to comply with the provisions of this subpart.

§63.11415 What are my compliance dates?

(a) If you own or operate an existing slabstock flexible polyurethane foam production affected source, you must achieve compliance with the applicable provisions in this subpart by July 16, 2008.

(b) If you own or operate an existing molded flexible polyurethane foam affected source, an existing rebond foam production affected sources, or an existing flexible polyurethane foam fabrication affected source, you must achieve compliance with the applicable provisions in this subpart by July 16, 2007.

(c) If you startup a new affected source on or before July 16, 2007, you must achieve compliance with the applicable provisions in this subpart not later than July 16, 2007.

(d) If you startup a new affected source after July 16, 2007, you must achieve compliance with the provisions in this subpart upon startup of your affected source.

Standards and Compliance Requirements

§63.11416 What are the standards for new and existing sources?

(a) If you own or operate a slabstock flexible polyurethane foam production affected source, you must meet the requirements in paragraph (b) of this section. If you own or operate a molded foam affected source, you must meet the requirements in paragraph (c) of this section. If you own or operate a rebond foam affected source, you must meet the requirements in paragraph (d) of this section. If you own or operate a flexible polyurethane foam fabrication affected source, you must meet the requirements in paragraph (e) of this section.

(b) If you own or operate a new or existing slabstock polyurethane foam production affected source, you must ~~comply with the requirements in either paragraph (b)(1) or (2) of this section.~~

~~(1) Comply with §63.1293(a) or (b) of subpart III, except that you must use Equation 1 of this section to determine the HAP auxiliary blowing agent (ABA) formulation limit for each foam grade instead of Equation 3 of §63.1297 of subpart III. You must use zero as the formulation limitation for any grade of foam where the result of the formulation equation (using Equation 1 of this section) is negative (i.e., less than zero):~~

$$ABA_{limit} = -0.2\,(IFD) - 19.1\left(\frac{1}{IFD}\right) - 15.3\,(DEN) - 6.8\left(\frac{1}{DEN}\right) + 36.5 \quad \text{(Equation 1)}$$

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~~Where:~~

~~ABA_{limit} = HAP ABA formulation limitation, parts methylene chloride ABA allowed per hundred parts polyol (pph).~~

~~IFD = Indentation force deflection, pounds.~~

~~DEN = Density, pounds per cubic foot.~~

~~(2)~~ not u~~U~~se any~~no~~ material containing methylene chloride for any purpose in any slabstock flexible foam production process.

(c) If you own or operate a new or existing molded foam affected source, you must comply with the requirements in paragraphs (c)(1) and (2) of this section.

(1) You must not use a material containing methylene chloride as an equipment cleaner to flush the mixhead or use a material containing methylene chloride elsewhere as an equipment cleaner in a molded flexible polyurethane foam process.

(2) You must not use a mold release agent containing methylene chloride in a molded flexible polyurethane foam process.

(d) If you own or operate a new or existing rebond foam affected source, you must comply with the requirements in paragraphs (d)(1) and (2) of this section.

(1) You must not use a material containing methylene chloride as an equipment cleaner in a rebond foam process.

(2) You must not use a mold release agent containing methylene chloride in a rebond foam process.

(e) If you own or operate a new or existing flexible polyurethane foam fabrication affected source, you must not use any adhesive containing methylene chloride in a flexible polyurethane foam fabrication process.

(f) You may demonstrate compliance with the requirements in paragraphs (b)~~(2) and (c)~~ through (e) of this section using adhesive usage records, Material Safety Data Sheets, and engineering calculations.

[72 FR 38910, July 16, 2007, as amended at 73 FR 15928, Mar. 23, 2008]

§63.11417 What are the compliance requirements for new and existing sources?

(a) If you own or operate a slabstock flexible polyurethane foam production affected source, you must comply with the requirements in paragraph (b) of this section. If you own or operate a molded foam affected source, rebond foam affected source, or a loop slitter at a flexible polyurethane foam fabrication affected source you must comply with the requirements in paragraphs (c) and (d) of this section.

(b) Each owner or operator of a new or existing slabstock flexible polyurethane foam production affected source ~~who chooses to comply with §63.11416(b)(1) must comply with paragraph (b)(1) of this section. Each owner or operator of a new or existing slabstock flexible polyurethane foam production affected source who chooses to comply with §63.11416(b)(2)~~ must comply with paragraphs (b)(2) and (3) of this section.

(1) ~~You must comply with paragraphs (b)(1)(i) through (v) of this section.~~[Reserved.]

~~(i) The monitoring requirements in §63.1303 of subpart III.~~

~~(ii) The testing requirements in §63.1304 or §63.1305 of subpart III.~~

~~(iii) The reporting requirements in §63.1306 of subpart III, with the exception of the reporting requirements in §63.1306(d)(1), (2), (4), and (5) of subpart III.~~

~~(iv) The recordkeeping requirements in §63.1307 of subpart III, with the exception of the recordkeeping requirements in §63.1307(a)(1), (b)(1)(i), and (b)(2).~~

~~(v) The compliance demonstration requirements in §63.1308(a), (c), and (d) of subpart III.~~

(2) You must submit a notification of compliance status report no later than 180 days after your compliance date. The report must contain this certification of compliance, signed by a responsible official, for the standards in §63.11416(b)~~(2)~~: "This facility uses no material containing methylene chloride for any purpose on any slabstock flexible foam process."

(3) You must maintain records of the information used to demonstrate compliance, as required in §63.11416(f). You must maintain the records for 5 years, with the last 2 years of data retained on site. The remaining 3 years of data may be maintained off site.

(c) You must have a compliance certification on file by the compliance date. This certification must contain the statements in paragraph (c)(1), (2), or (3) of this section, as applicable, and must be signed by a responsible official.

(1) For a molded foam affected source:

(i) "This facility does not use any equipment cleaner to flush the mixhead which contains methylene chloride, or any other equipment cleaner containing methylene chloride in a molded flexible polyurethane foam process in accordance with §63.11416(c)(1)."

(ii) "This facility does not use any mold release agent containing methylene chloride in a molded flexible polyurethane foam process in accordance with §63.11416(c)(2)."

(2) For a rebond foam affected source:

(i) "This facility does not use any equipment cleaner which contains methylene chloride in a rebond flexible polyurethane foam process in accordance with §63.11416(d)(1)."

(ii) "This facility does not use any mold release agent containing methylene chloride in a rebond flexible polyurethane foam process in accordance with §63.11416(d)(2)."

(3) For a flexible polyurethane foam fabrication affected source containing a loop slitter: "This facility does not use any adhesive containing methylene chloride on a loop slitter process in accordance with §63.11416(e)."

(d) For molded foam affected sources, rebond foam affected sources, and flexible polyurethane foam fabrication affected sources containing a loop slitter, you must maintain records of the information used to demonstrate compliance, as required in §63.11416(f). You must maintain the records for 5 years, with the last 2 years of data retained on site. The remaining 3 years of data may be maintained off site.

[72 FR 38910, July 16, 2007, as amended at 73 FR 15929, Mar. 26, 2008]

Other Requirements and Information

§63.11418 What General Provisions apply to this subpart?

The provisions in 40 CFR part 63, subpart A, do not apply ~~applicable~~ to sources subject to ~~§63.11416(b)(1) are specified in Table 1 of~~ this subpart.

§63.11419 What definitions apply to this subpart?

The terms used in this subpart are defined in the CAA; §63.1292 of subpart III; §63.8830 of subpart MMMMM; §63.2 of subpart A; and in this section as follows:

Flexible polyurethane foam fabrication facility means a facility where pieces of flexible polyurethane foam are cut, bonded, and/or laminated together or to other substrates.

§63.11420 Who implements and enforces this subpart?

(a) This subpart can be implemented and enforced by the U.S. EPA or a delegated authority such as a State, local, or tribal agency. If the U.S. EPA Administrator has delegated authority to a State, local, or tribal agency pursuant to 40 CFR part 63, subpart E, then that Agency has the authority to implement and enforce this subpart. You should contact your U.S. EPA Regional Office to find out if this subpart is delegated to a State, local, or tribal agency within your State.

(b) In delegating implementation and enforcement authority of this subpart to a State, local, or tribal agency under 40 CFR part 63, subpart E, the approval authorities contained in paragraphs (b)(1) through (4) of this section are retained by the Administrator of the U.S. EPA and are not transferred to the State, local, or tribal agency.

(1) Approval of an alternative non-opacity emissions standard under §63.6(g).

(2) Approval of a major change to test methods under §63.7(e)(2)(ii) and (f). A “major change to test method” is defined in §63.90.

(3) Approval of a major change to monitoring under §63.8(f). A “major change to monitoring” is defined in §63.90.

(4) Approval of a major change to recordkeeping/reporting under §63.10(f). A “major change to recordkeeping/reporting” is defined in §63.90.

[72 FR 38910, July 16, 2007, as amended at 73 FR 15929, Mar. 26, 2008]

~~Table 1 to Subpart OOOOOO of Part 63—Applicability of General Provisions to Subpart OOOOOO~~

As required in §63.11418, sources subject to §63.11416(b)(1) must comply with the requirements of the NESHAP General Provisions (40 CFR part 63, subpart A) as shown in the following table.

Subpart A reference	Applies to Subpart OOOOOO?	Comment
§63.1	Yes	
§63.2	Yes	Definitions are modified and supplemented by §63.11419.
§63.3	Yes	
§63.4	Yes	
§63.5	Yes	
§63.6(a)-(d)	Yes	
§63.6(e)(1)-(2)	Yes	
§63.6(e)(3)	No	Owners and operators of subpart OOOOOO affected sources are not required to develop and implement a startup, shutdown, and malfunction plan.
§63.6(f)-(g)	Yes	
§63.6(h)	No	Subpart OOOOOO does not require opacity and visible emissions standards.
§63.6(i)-(j)	Yes	
§63.7	No	Performance tests not required by subpart OOOOOO.
§63.8	No	Continuous monitoring, as defined in subpart A, is not required by subpart OOOOOO.
§63.9(a)-(d)	Yes	
§63.9(e)-(g)	No	
§63.9(h)	No	Subpart OOOOOO specifies Notification of Compliance Status requirements.
§63.9(i)-(j)	Yes	
§63.10(a)-(b)	Yes	Except that the records specified in §63.10(b)(2) are not required.
§63.10(c)	No	
§63.10(d)(1)	Yes	
§63.10(d)(2)-(3)	No	
§63.10(d)(4)	Yes	
§63.10(d)(5)	No	
§63.10(e)	No	
§63.10(f)	Yes	

§63.11	No	
§63.12	Yes	
§63.13	Yes	
§63.14	Yes	
§63.15	Yes	
§63.16	Yes	

[72 FR 38910, July 16, 2007, as amended at 73 FR 15929, Mar. 26, 2008]