

For the reasons stated in the preamble, the Environmental Protection Agency proposes to amend part 63 of title 40, chapter I, of the Code of Federal Regulations as follows:

**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.

2. Part 63 is amended by revising subpart VVV to read as follows:

**Subpart VVV—National Emission Standards for Hazardous Air
Pollutants: Publicly Owned Treatment Works**

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Applicability

§ 63.1580 Am I subject to this subpart?

(a) You are subject to this subpart if ~~the following are all true~~your publicly owned treatment works (POTW) has a design capacity to treat at least 5 million gallons of wastewater per day and treats wastewater from an industrial or commercial facility; and either paragraph (a)(1) or (2) of this section is true:

(1) You own or operate a ~~publicly owned treatment works (POTW)~~ that ~~includes an affected source (§ 63.1595)~~is a major source of HAP emissions; or

(2) ~~The affected source is located at~~You own or operate a POTW ~~which~~regardless of whether or not it is a major source of hazardous air pollutants (HAP). ~~emissions, or at any industrial POTW regardless of whether or not it is a major source of HAP; and~~

~~(3) Your POTW is required to develop and implement a pretreatment program as defined by 40 CFR 403.8 (for a POTW owned or operated by a municipality, State, or intermunicipal or interstate agency), or your POTW would meet the general criteria for development and implementation of a pretreatment program (for a POTW owned or operated by a department, agency, or instrumentality of the Federal government).~~

(b) If your existing POTW ~~treatment plant~~ is not located at a major source as of October 26, 1999, but thereafter becomes a major source for any reason other than reconstruction, then, for the purpose of this subpart, your POTW ~~treatment plant~~ would be considered an existing source. Note to Paragraph (b): See § 63.2 of the National Emission Standards for Hazardous Air Pollutants (NESHAP) General Provisions in subpart A of this part for the definitions of major source and area source.

(c) If you ~~reconstruct~~ commence construction or reconstruction of your POTW ~~treatment plant~~ after December 1, 1998, then the requirements for a new ~~or reconstructed~~ POTW ~~treatment plant, as defined in § 63.1595,~~ apply.

§ 63.1581 Does the subpart distinguish between different types of POTW treatment plants?

~~Yes, POTW treatment plants are divided into two subcategories. A POTW treatment plant which does not meet the characteristics of an industrial POTW treatment plant belongs in~~

~~the non industrial POTW treatment plant subcategory as defined in § 63.1595.~~

Yes, POTW are divided into two subcategories: Group 1 POTW and Group 2 POTW, as described in paragraphs (a) through (c) of this section.

~~Industrial POTW Treatment Plant Description and Requirements~~

Group 1 POTW Description and Requirements

~~§ 63.1582 What are the characteristics of an industrial POTW treatment plant? [Reserved]~~

(a) Your POTW is ~~an industrial~~ Group 1 POTW treatment plant if an industrial discharger complies with its NESHAP by using the treatment and ~~controls~~ control located at your POTW. Your POTW accepts the regulated waste stream and provides treatment and controls as an agent for the industrial discharger. ~~Industrial~~ Group 1 POTW treatment plant is defined in § 63.1595.

(b) ~~If, in the future, an industrial discharger begins complying~~ Your POTW is a Group 2 POTW if you treat wastewater that is not subject to control by another NESHAP or the industrial facility does not comply with its NESHAP by using the treatment and controls located at your POTW. Group 2 POTW is defined in § 63.1595.

(c) If, in the future, an industrial discharger complies with its NESHAP by using the treatment and control located at

your POTW, then your Group 2 POTW becomes a Group 1 POTW on the date ~~that the industrial discharger certifies compliance, your POTW treatment plant will be considered an~~ your POTW begins treating that regulated industrial POTW treatment plant wastewater stream.

~~(c) If your POTW treatment plant accepts one or more specific regulated industrial waste streams as part of compliance with one or more other NESHAP, then you are subject to all the requirements of each appropriate NESHAP for each waste stream, as described in the following section. In the case of overlapping NESHAP requirements, the more stringent of the requirements will apply.~~

§ 63.1583 What are the emission points and control requirements for ~~an industrial POTW plant~~ Group 1 POTW?

~~(a) The emission points and control requirements for an existing industrial POTW treatment plant are specified in the appropriate NESHAP(s) for the industrial user(s) (see § 63.1582). For example, an existing industrial POTW treatment plant that provides treatment for a facility subject to subpart FF of this part, the National Emission Standard for Benzene Waste Operations, must meet the treatment and control requirements specified in §61.348(d)(4) of this chapter.~~

(a) The emission points and control requirements for an existing Group 1 POTW are both those specified by the

appropriate NESHAP for which the POTW treats regulated industrial wastewater and those emission points and control requirements set forth in § 63.1586(a) and (d).

~~(b) The emission points and control requirements for a new or reconstructed industrial POTW treatment plant are either those specified by the particular NESHAP(s) which apply to the industrial user(s) who discharge their waste for treatment to the POTW, or those emission points and control requirements set forth in § 63.1586. The set of control requirements which applies to a particular new or reconstructed POTW is that set which requires the most stringent overall control of HAP emissions. If you are uncertain which set of requirements is more stringent, this determination should be made in consultation with the permitting authority. Reconstruction is defined in § 63.1595.~~

(b) The emission points and control requirements for a new Group 1 POTW are both those specified by the appropriate NESHAP for which the POTW treats regulated industrial wastewater and those emission points and control requirements set forth in § 63.1586(b) or (c), and (d), as applicable.

(c) If your Group 1 POTW treatment plant accepts one or more specific regulated industrial waste streams as part of compliance with one or more other NESHAP, then you are subject to all the requirements of each appropriate NESHAP for each

~~waste stream, as described in the following section. In the case of overlapping NESHAP requirements, the more stringent of the requirements will apply. and the applicable requirements set forth in § 63.1586.~~

(d) At all times, the owner or operator 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 the owner or operator 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.

§ 63.1584 ~~When do I have to comply?~~**[Reserved]**

~~(a) Existing industrial POTW treatment plant. If you have an existing industrial POTW treatment plant, the appropriate NESHAP(s) for the industrial user(s) sets the compliance date, or the compliance date is 60 days after October 26, 1999, whichever is later.~~

~~(b) New industrial POTW treatment plant. If you have a new industrial POTW treatment plant, you must be in compliance as soon as you begin accepting the waste stream(s) for treatment. If you begin accepting a specific regulated industrial waste stream(s) for treatment, you must be in compliance by the time specified in the appropriate NESHAP(s) for the industrial user(s).~~

§ 63.1585 How does an industrial Group 1 POTW treatment plant demonstrate compliance?

(a) ~~An existing industrial~~A Group 1 POTW treatment plant demonstrates compliance by operating treatment and control devices that meet all requirements specified in the appropriate NESHAP. ~~which meet all requirements specified in the appropriate industrial NESHAP(s).~~ Requirements may include performance tests, routine monitoring, recordkeeping, and reporting.

~~(b) If you have a new or reconstructed industrial POTW plant, you must first determine whether the control requirements set forth in the applicable industrial NESHAP(s) or the control requirements applicable to a new or reconstructed nonindustrial POTW under § 63.1586 would require more stringent overall control of HAP emissions. You must then meet whichever set of requirements is more stringent. If you determine that the controls required by the applicable industrial NESHAP(s) are more stringent, you demonstrate compliance by operating~~

~~treatment and control devices which meet all requirements specified in those industrial NESHAP(s). If you determine that the controls required for a new or reconstructed nonindustrial POTW are more stringent, you demonstrate compliance by meeting all requirements in §§ 63.1586 through 63.1590.~~

(b) A Group 1 POTW must also demonstrate compliance by meeting the requirements specified in § 63.1586, as applicable, as well as the applicable requirements in §§ 63.1587 through 63.1595.

~~Non-industrial POTW Treatment Plant Requirements~~

Group 1 and Group 2 POTW Requirements

§ 63.1586 What are the emission points and control requirements for a ~~non-industrial POTW~~ Group 1 and Group 2 POTW treatment plant?

(a) Existing Group 1 and Group 2 POTW must demonstrate that the HAP fraction emitted from all emission points up to, but not including, the secondary influent pumping station or the secondary treatment units does not exceed 0.08 on a 12-month rolling average. You must demonstrate that for your POTW, the sum of all HAP emissions from these emission points divided by the sum of all HAP mass loadings to the POTW results in a 12-month rolling average of the fraction emitted no greater than 0.08. You may use any combination of pretreatment, wastewater

treatment plant modifications, and control devices to achieve this performance standard.

~~There are no control requirements for an existing non-industrial POTW treatment plant. There are no control requirements for any new or reconstructed area source non-industrial POTW treatment plant which is not a major source of HAP. The control requirements for a new or reconstructed major source non-industrial POTW treatment plant which is a major source of HAP are as follows:~~

(a)(b) Except as provided in paragraph (c) of this section, new Group 1 and Group 2 POTW must install covers on the emission points up to, but not including, the secondary influent pumping station or the secondary treatment units. These emission points are treatment units that include, but are not limited to, influent waste stream conveyance channels, bar screens, grit chambers, grinders, pump stations, aerated feeder channels, primary clarifiers, primary effluent channels, and primary screening stations. In addition, all covered units, except primary clarifiers, must have the air in the headspace underneath the cover ducted to a control device in accordance with the standards for closed-vent systems and control devices in § 63.693 ~~of subpart DD of this part~~, except you may substitute visual inspections for leak ~~checks~~detection rather than Method 21 of appendix A-7 of part 60 of this chapter.

~~Reconstruction is defined in § 63.1595.~~ Covers must meet the following requirements:

(1) Covers must be tightly fitted and designed and operated to ~~minimize~~prevent exposure of the wastewater to the atmosphere. This includes, but is not limited to, the absence of visible cracks, holes, or gaps in the roof sections or between the roof and the supporting wall; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

(2) If wastewater is in a treatment unit, each opening in the cover must be maintained in a closed, sealed position, unless plant personnel are present and conducting wastewater or sludge sampling, or equipment inspection, maintenance, or repair.

~~(b)~~ (c) As an alternative to the requirements in paragraph ~~(a)~~ (b) of this section, ~~you~~ a new Group 1 and Group 2 POTW may comply by demonstrating, for all ~~unit~~emission points up to the secondary influent pumping station or the secondary treatment units, that the HAP fraction emitted does not exceed 0.014 ~~on a 12-month rolling average~~. You must demonstrate that for your POTW, the sum of all HAP emissions from ~~these~~these units divided by the sum of all HAP mass loadings to the POTW results in ~~an annual~~ a 12-month rolling average of the HAP fraction emitted of no greater than 0.014. You may use any combination of

pretreatment, wastewater treatment plant modifications, and control devices to achieve this performance standard; ~~however, you.~~

(d) Existing and new Group 1 and Group 2 POTW must demonstrate, to the Administrator's satisfaction that: develop and implement a pretreatment program as defined by § 403.8 of this chapter.

~~(1) You have accurately determined your POTW's annual HAP mass loadings and your POTW's annual HAP emissions as of the date of start up;~~

~~(2) Your POTW meets the fraction emitted standard of 0.014 or less; and~~

~~(3) Your POTW has established procedures to demonstrate continuous compliance which are consistent with the criteria set forth in § 63.1588(c)(4).~~

(e) At all times, the owner or operator 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 the owner or operator to make any further efforts to reduce emissions if the requirements of the applicable standard have been met. 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.

§ 63.1587 When do I have to comply?

~~If your POTW treatment plant began construction on or after December 1, 1998, you must comply with all provisions of this subpart either immediately upon startup, or by six months after October 26, 1999, whichever date is later.~~

~~§ 63.1588 What inspections must I conduct?~~

~~(a) If your treatment units are required to have covers, you must conduct the following inspections:~~

~~(a) Sources subject to this subpart are required to achieve compliance on or before the dates specified in table 2 to this subpart.~~

§ 63.1588 How do Group 1 and Group 2 POTW demonstrate compliance?

(a) If you are complying with § 63.1586(b) by using covers, you must conduct the following inspections:

(1) You must visually check the cover and its closure devices for defects that could result in air emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in the roof sections or between the roof and the supporting

wall; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

(2) You must perform an initial visual inspection ~~with~~within 60 calendar days of becoming subject to this NESHAP and perform follow-up inspections at least once per year, thereafter.

(3) In the event that you find a defect on a treatment unit in use, you must repair the defect within 45 calendar days. If you cannot repair within 45 calendar days, you must notify the EPA or the designated state authority immediately and report the reason for the delay and the date you expect to complete the repair. If you find a defect on a treatment unit that is not in service, you must repair the defect prior to putting the treatment unit back in wastewater service.

(b) If you own or operate a control device used to meet the requirements for § 63.1586~~7(b)~~, you must comply with the inspection and monitoring requirements of § 63.695(c) ~~of subpart DD of this part.~~

(c) To comply with the performance standard specified in § 63.1586(~~ba~~) or (c), you must develop, to the satisfaction of the Administrator, an Inspection and Monitoring Plan. This Inspection and Monitoring Plan must include, at a minimum, the following:

(1) A method to determine, ~~to the satisfaction of the Administrator,~~ the influent HAP mass loading, i.e., the ~~annual~~monthly mass quantity for each HAP entering the wastewater treatment plant.

(2) A method to determine, ~~to the satisfaction of the Administrator,~~ your POTW's ~~annual~~monthly HAP emissions for all units up to ~~and including the secondary influent pumping station or up to and but~~ not including the secondary influent pumping station or the secondary treatment units ~~as of October 26, 1999.~~

The method you use to determine your HAP emissions, such as modeling or direct source measurement, must:

(i) Be approved by ~~your EPA Regional Office, State, or local regulatory agency~~the Administrator for use at your POTW;

(ii) Account for all factors affecting emissions from your plant including, but not limited to, emissions from wastewater treatment units; emissions resulting from inspection, maintenance, and repair activities; fluctuations (e.g., daily, monthly, annual, seasonal) in your influent wastewater HAP concentrations; annual industrial loading; performance of control devices; or any other factors that could affect your annual HAP emissions; and

(iii) Include documentation that the values and sources of all data, operating conditions, assumptions, etc., used in your

method result in an accurate estimation of ~~annual~~monthly emissions from your plant.

(3) ~~Documentation, to the satisfaction of the Administrator,~~A method to demonstrate that your POTW meets the HAP fraction emitted ~~standard of 0.014~~standards specified in § 63.1586(a) or less,(c), i.e., the sum of all monthly HAP emissions over a 12-month period from paragraph (c)(2) of this section divided by the sum of all monthly HAP mass loadings over a 12-month period from paragraph (c)(1) of this section results in a fraction emitted of 0.08 or less to demonstrate compliance with § 63.1586(a) or 0.014 or less ~~as described~~to demonstrate compliance with § 63.1586(c). The Inspection and Monitoring plan must require, at a minimum, that you perform the calculations shown in paragraphs (c)(3)(i) through (viii) of this section by the end of each month for the previous month. This calculation shall demonstrate that your 12-month rolling average of the HAP fraction emitted is 0.08 or less when demonstrating compliance with § 63.1586(a) or 0.014 or less when demonstrating compliance with § 63.1586(c).

(i) Determine the average daily flow in million gallons per day (MGD) of the wastewater entering your POTW for the previous month;

(ii) Determine the concentration of each HAP in your influent listed in Table 1 to subpart DD of this part for the previous month;

(iii) Using the previous month's information in paragraphs (c)(3)(i) and (ii) of this section, determine a total monthly flow-weighted loading in pounds per day (lbs/day) of each HAP entering your POTW for the previous month;

(iv) Sum up the values for each individual HAP loading in paragraph ~~(c)(4) of this section.~~ (iii) of this section and determine a total monthly flow-weighted loading value (lbs/day) for all HAP entering your POTW for the previous month;

(v) Based on the previous month's information in paragraph (c)(3)(iii) of this section along with source testing and emission modeling, for each HAP, determine the monthly emissions (lbs/day) from all wastewater treatment units up to, but not including, secondary treatment units for the previous month;

(vi) Sum the values of emissions for each individual HAP determined in paragraph (c)(3)(v) of this section and calculate the total monthly emissions value for the previous month for all HAP from all wastewater treatment units up to, but not including, secondary treatment units;

(vii) Calculate the HAP fraction emitted value for the previous month, using Equation 1 of this section as follows:

$$\underline{f_e \text{ monthly}} = \Sigma E / \Sigma L \quad (\text{Eq. 1})$$

Where:

$f_e \text{ monthly}$ = HAP fraction emitted for the previous month

ΣE = Total HAP emissions value from paragraph (c)(3)(vi) of this section

ΣL = Total monthly loading from paragraph (c)(3)(iv) of this section

(viii) Average the HAP fraction emitted value for the month determined in paragraph (c)(3)(vii) of this section, with the values determined for the previous 11 months, to calculate a 12-month rolling average of the HAP fraction emitted.

(4) A method to demonstrate, to the satisfaction of the Administrator, that your POTW is in continuous compliance with the requirements of § 63.1586(~~ba~~) or (c). Continuous compliance means that your emissions, when averaged over the course of a ~~year~~12-month period, do not exceed the level of emissions that allows your POTW to comply with § 63.1586(~~b~~)-a) or (c) on a monthly basis. For example, you may identify a parameter(s) that you can monitor that assures your emissions, when averaged over ~~the entire year~~a 12-month period, will meet the requirements in § 63.1586(~~b~~)-a) or (c) each month. Some example parameters that may be considered for monitoring include your wastewater influent HAP concentration and flow, industrial loading from your permitted industrial dischargers, and your control device performance criteria. Where emission reductions are due to

proper operation of equipment, work practices, or other operational procedures, your demonstration must specify the frequency of inspections and the number of days to completion of repairs. ~~You must, at a minimum, perform the following each month to demonstrate that your annual rolling average of the fraction emitted is 0.014 or less:~~

~~(i) Determine the average daily flow of the wastewater entering your POTW treatment plant for the month;~~

~~(ii) Determine the flow weighted monthly concentration of each HAP in your influent listed in Table 1 to subpart DD of this part;~~

~~(iii) Using the current month's information in paragraphs (c)(4)(i) and (ii) of this section, determine a total annual loading (Mg/year) of each HAP entering your POTW treatment plant;~~

~~(iv) Sum up the values in paragraph (c)(4)(iii) of this section and determine a total annual loading value (Mg/year) for all HAP entering your POTW treatment plant for the current month;~~

~~(v) Based on the current month's information in paragraph (c)(4)(iii) of this section along with source testing and emission modeling, for each HAP, determine annual emissions (Mg/year) from all wastewater units up to, but not including, secondary treatment units;~~

~~(vi) Sum up the values in paragraph (c)(4)(v) of this section and determine the total annual emissions value for the month for all HAP from all wastewater units up to, but not including, secondary treatment units;~~

~~(vii) Calculate the fraction emitted value for the month by dividing the total annual HAP emissions value from paragraph (c)(4)(vi) of this section by the total annual loading from paragraph (c)(4)(iv) of this section; and~~

~~(viii) Average the fraction emitted value for the month determined in paragraph (c)(4)(vii) of this section, with the values determined for the previous 11 months, to calculate an annual rolling average of the fraction HAP emitted.~~

(d) Prior to receiving approval on the Inspection and Monitoring Plan, you must follow the plan submitted to the Administrator as specified in § 63.1590(e) or (f), as applicable.

§ 63.1589 What records must I keep?

(a) To comply with the equipment standard specified in § 63.1586(ab), you must prepare and maintain the records required in paragraphs (a)(1) through (4) of this section:

(1) A record for each treatment unit inspection required by § 63.1588(a). You must include a treatment unit identification number (or other unique identification description as selected by you) and the date of inspection.

(2) For each defect detected during inspections required by § 63.1588(a), you must record the location of the defect, a description of the defect, the date of detection, the corrective action taken to repair the defect, and the date the repair to correct the defect is completed.

(3) ~~In the event that~~If repair of the defect is delayed, as described ~~in accordance with the provisions of~~ § 63.1588(a)(3), you must also record the reason for the delay and the date you expect to complete the repair.

(4) If you own or operate a control device used to meet the requirements for § 63.1586, ~~(b)~~, you must comply with the recordkeeping requirements of § 63.696(a), (b), (g), and (h).

(b) To comply with the performance standard specified in § 63.1586 ~~(ba)~~ or (c), you must prepare and maintain the records required in paragraphs (b)(1) through (3) of this section:

(1) A record of the methods and data used to determine your POTW's ~~annual~~monthly HAP loading and emissions as determined in § 63.1588(c) (1) and (2);

(2) A record of the methods and data used to determine that your POTW meets the HAP fraction emitted standard ~~of~~(either 0.01408 ~~or less,~~0.014), as determined in § 63.1588(c)(3); and

(3) A record of the methods and data that demonstrates that your POTW is in continuous compliance with the requirements of § 63.1588(c)(4).

(c) To comply with the requirement to meet the pretreatment program requirements defined by § 403.8 of this chapter as specified in § 63.1586(d), you must maintain records as required in part 403 of this chapter.

(d) An owner or operator must record the malfunction information specified in paragraphs (d)(1) through (3) of this section.

(1) In the event that an affected unit fails to meet an applicable standard, record the number of failures. For each failure, record the date, time, and duration of the failure.

(2) For each failure to meet an applicable standard, record and retain a list of the affected sources or equipment, an estimate of the volume of each regulated pollutant emitted over any emission limit and a description of the method used to estimate the emissions.

(3) Record actions taken to minimize emissions in accordance with § 63.1583(d) or § 63.1586(e) and any corrective actions taken to return the affected unit to its normal or usual manner of operation.

§ 63.1590 What reports must I submit?

~~(a)(1) If you have an existing non-industrial POTW treatment plant, or a new or reconstructed area source non-industrial POTW treatment plant, you are not required to submit a notification of compliance status. If you have a new or~~

~~reconstructed non industrial POTW treatment plant which is a major source of HAP, you must submit to the Administrator a notification of compliance status, signed by the responsible official who must certify its accuracy, attesting to whether your POTW treatment plant has complied with this subpart. This notification must be submitted initially, and each time a notification of compliance status is required under this subpart. At a minimum, the notification must list-~~

- ~~(i) The methods that were used to determine compliance;~~
- ~~(ii) The results of any monitoring procedures or methods that were conducted;~~
- ~~(iii) The methods that will be used for determining continuing compliance;~~
- ~~(iv) The type and quantity of HAP emitted by your POTW treatment plant;~~
- ~~(v) A description of the air pollution control equipment (or method) for each emission point; and~~
- ~~(vi) Your statement that your POTW treatment plant has complied with this subpart.~~

~~(2) You must send this notification before the close of business on the 60th day following the completion of the relevant compliance demonstration activity specified in this subpart.~~

~~(b) After you have been issued a title V permit, you must comply with all requirements for compliance status reports contained in your title V permit, including reports required under this subpart. After you have been issued a title V permit, and each time a notification of compliance status is required under this subpart, you must submit the notification of compliance status to the appropriate permitting authority, as described in paragraph (d) of this section, following completion of the relevant compliance demonstration activity specified in this subpart.~~

(a) You must submit annual reports containing the information specified in paragraphs (a)(1) through (4) of this section, if applicable. You must submit annual reports following the procedure specified in paragraph (a)(5) of this section. For existing units, the initial annual report is due no later than date 27 months after the final rule is published in the **Federal Register** and must cover the 12-month timeframe beginning date 12 months after the final rule is published in the **Federal Register**. For new units, the initial annual report is due 15 months after your POTW becomes subject to the requirements in this subpart and must cover the first 12 months of operation after your POTW becomes subject to the requirements of this subpart. Subsequent annual reports are due by the same date each year as the initial annual report and must contain information

for the 12-month period following the 12-month period included in the previous annual report.

(1) The general information specified in paragraphs (a)(1)(i) and (ii) of this section must be included in all reports.

(i) The company name, POTW treatment plant name, and POTW treatment plant address; and

(ii) Beginning and ending dates of the reporting period.

(2) The monthly HAP fraction emitted as calculated in § 63.1588(c)(3)(vii) for each month in the 12-month period covered by the annual report.

(3) If you use covers to comply with the requirements of § 63.1586(b), you must submit the following:

(i) The dates of each visual inspection conducted;

(ii) The defects found during each visual inspection; and

(iii) For each defect found during a visual inspection, how the defects were repaired, whether the repair has been completed and either the date each repair was completed or the date each repair is expected to be completed.

(4) If a source fails to meet an applicable standard, report such events in the annual report. Report the number of failures to meet an applicable standard. For each instance, report the date, time, and duration of each failure. For each failure, the report must include a list of the affected sources

or equipment, an estimate of the volume of each regulated pollutants emitted over any emission limit, and a description of the method used to estimate the emissions.

(5) You must submit the report to the Administrator at the appropriate address listed in § 63.13, unless the Administrator agrees to or specifies an alternate reporting method. Beginning on the date 2 years after date the final rule is published in the **Federal Register** or once the reporting form has been available in CEDRI for 1 year, whichever is later, you must submit subsequent annual reports to the EPA via the Compliance and Emissions Data Reporting Interface (CEDRI). (CEDRI can be accessed through the EPA's Central Data Exchange (CDX) (<https://cdx.epa.gov/>)). You must use the appropriate electronic report in CEDRI for this subpart or an alternate electronic file format consistent with the extensible markup language (XML) schema listed on the CEDRI Web site (<https://www.epa.gov/electronic-reporting-air-emissions/compliance-and-emissions-data-reporting-interface-cedri>). The date forms become available in CEDRI will be listed on the CEDRI Web site. The reports must be submitted by the deadline specified in this subpart, regardless of the method in which the reports are submitted.

(b) If you own or operate a control device used to meet the requirements of § 63.1586(b), you must submit the notifications

and reports required by § 63.697(b), including a notification of performance tests; a performance test report; a malfunction report; and a summary report. These notifications and reports must be submitted to the Administrator, except for performance test reports. Within 60 calendar days after the date of completing each performance test (as defined in § 63.2) required by subpart DD of this part, you must submit the results of the performance test following the procedure specified in either paragraph (b)(1) or (2) of this section.

(1) For data collected using test methods supported by the EPA's Electronic Reporting Tool (ERT) as listed on the EPA's ERT Web site (<https://www.epa.gov/electronic-reporting-air-emissions/electronic-reporting-tool-ert>) at the time of the test, you must submit the results of the performance test to the EPA via CEDRI. Performance test data must be submitted in a file format generated through the use of the EPA's ERT or an alternate electronic file format consistent with the XML schema listed on the EPA's ERT Web site.

(2) For data collected using test methods that are not supported by the EPA's ERT as listed on the EPA's ERT Web site at the time of the test, you must submit the results of the performance test to the Administrator at the appropriate address listed in § 63.13 subpart A of this part, unless the

Administrator agrees to or specifies an alternate reporting method.

(3) If you claim that some of the performance test information being submitted under paragraph (b)(1) of this section is confidential business information (CBI), you must submit a complete file generated through the use of the EPA's ERT or an alternate electronic file consistent with the XML schema listed on the EPA's ERT Web site, including information claimed to be CBI, on a compact disc, flash drive or other commonly used electronic storage medium to the EPA. The electronic medium must be clearly marked as CBI and mailed 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 ERT or alternate file with the CBI omitted must be submitted to the EPA via the EPA's CDX as described in paragraph (b)(1) of this section.

(c) You must comply with the delay of repair reporting required in § 63.1588(a)(3).

~~(d) If your State has not been delegated authority, you must submit reports to your EPA Regional Office. If your State has been delegated authority, you must submit reports to your delegated State authority, and you must send a copy of each report submitted to the State to your EPA Regional Office. Your~~

~~EPA Regional Office, at its discretion, may waive this requirement for any reports.~~

~~(e)(d)~~ You may apply to the Administrator for a waiver of recordkeeping and reporting requirements by complying with the requirements of § 63.10(f) ~~of subpart A of this part~~.

Electronic reporting to the EPA cannot be waived.

~~(f) If you own or operate a control device used to meet the requirements of § 63.1586(a), you must submit the reports required by § 63.697(b) of subpart DD of this part, including a notification of performance tests; a performance test report; a startup, shutdown, and malfunction report; and a summary report.~~

~~(g)(e)~~ To comply with the performance standard specified in § 63.1586(a), you must submit, for approval by the Administrator, an Inspection and Monitoring Plan explaining your compliance approach by date 180 days after the final rule is published in the **Federal Register**.

~~(f)~~ To comply with the performance standard specified in § 63.1586(~~b~~c), you must submit, for approval by the Administrator, an ~~initial report~~Inspection and Monitoring Plan explaining your compliance approach 90 calendar days prior to beginning operation of your new ~~or reconstructed~~ POTW. ~~You must also submit a startup, shutdown, and malfunction report~~ or by date 180 days after the final rule is published in the **Federal Register**, whichever is later.

(g) To comply with the pretreatment requirements specified in § 63.1586(d), you must submit the reports required by § 403.12 this chapter.

General Requirements

§ 63.1591 What are my notification requirements?

~~(a) If you have an industrial POTW treatment plant or a new or reconstructed non industrial POTW which is a major source of HAP, and your State has not been delegated authority, you must submit notifications to the appropriate EPA Regional Office. If your State has been delegated authority you must submit notifications to your State and a copy of each notification to the appropriate EPA Regional Office. The Regional Office may waive this requirement for any notifications at its discretion.~~

~~(b) You must notify the Administrator in writing no later than 120 calendar days after the effective date of this subpart (or within 120 calendar days after your POTW treatment plant becomes subject to the relevant standard), and you must provide the following information:~~

~~(1) Your name and address;~~

~~(2) The address (i.e., physical location) of your POTW treatment plant;~~

~~(3) An identification of these standards as the basis of the notification and your POTW treatment plant's compliance date; and~~

~~(4) A brief description of the nature, size, design, and method of operation of your POTW treatment plant, including its operating design capacity and an identification of each point of emission for each HAP, or if a definitive identification is not yet possible, a preliminary identification of each point of emission for each HAP.~~

(a) You must submit an initial notification as required in § 63.9(b).

(b) You must submit a notification of compliance status as required in § 63.9(h), as specified below:

(1) If you comply with § 63.1586(a) or (c) by meeting the applicable HAP fraction emitted standard, submission of the Inspection and Monitoring Plan as required in § 63.1588(c) and § 63.1590(e) and (f), as applicable, meets the requirement for submitting a notification of compliance status report in § 63.9(h).

(2) If you comply with § 63.1586(b) and use covers on the emission points and route air in the headspace underneath the cover to a control device, you must submit a notification of compliance status as specified in § 63.9(h) that includes a description of the POTW treatment units and installed covers, as well as the information required for control devices including the performance test results.

(c) You must notify the Administrator ~~if your data show,~~
within 30 calendar days of discovering that you are ~~no longer in~~
~~continuous compliance.~~out of compliance with an applicable
requirement of this subpart, including the following:

(1) The HAP fraction emitted standard as specified in §
63.1586(a) or (c), as applicable.

(2) The requirement to route the air in the headspace
underneath the cover of all units equipped with covers, except
primary clarifiers, to a control device as specified in §
63.1586(b).

(3) The requirement to develop and implement a pretreatment
program as specified in § 63.1586(d).

(4) The requirement to operate and maintain the affected
source as specified in § 63.1586(e).

(5) The requirement to inspect covers annually and repair
defects as specified in § 63.1588(a).

(6) The requirement to comply with the inspection and
monitoring requirements of § 63.695(c) as specified in §
63.1588(b).

(7) The procedures specified in an Inspection and
Monitoring Plan prepared as specified in § 63.1588(c).

(8) The requirements specified in an appropriate NESHAP for
which the Group 1 POTW treats regulated industrial waste as
specified in § 63.1583(a) or (b), as applicable.

§ 63.1592 Which General Provisions apply to my POTW ~~treatment plant~~?

(a) Table 1 to this subpart lists the General Provisions (40 CFR part 63, subpart A) ~~which that~~ do and do not apply to POTW ~~treatment plants~~.

(b) Unless a permit is otherwise required by law, the owner or operator of ~~an industrial~~ Group 1 POTW ~~which that~~ is not a major source is exempt from the permitting requirements established by 40 CFR part 70.

§ 63.1593 [Reserved]

§ 63.1594 Who enforces this subpart?

(a) This subpart can be implemented and enforced by the U.S. EPA, or a delegated authority such as the applicable state, local, or tribal agency. If the U.S. EPA Administrator has delegated authority to a state, local, or tribal agency, then that agency, in addition to the U.S. EPA, has the authority to implement and enforce this subpart. Contact the applicable U.S. EPA Regional Office to find out if implementation and enforcement of this subpart is delegated to a state, local, or tribal agency.

(b) In delegating implementation and enforcement authority of this subpart to a state, local, or tribal agency under subpart E of this part, the authorities ~~contained~~ listed in ~~paragraph (e)(b)(1) through (5)~~ of this section are retained by

the Administrator of U.S. EPA and cannot be ~~transferred~~delegated to the state, local, or tribal agency.

~~(c) The authorities that cannot be delegated to State, local, or Tribal agencies are as specified in paragraphs (c)(1) through (4) of this section.~~

(1) Approval of alternatives to the requirements in §§ 63.1580, 63.1583 ~~through 63.1584~~, and 63.1586 through 63.~~1587~~1588.

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

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

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

(5) Approval of an alternative to any electronic reporting to the EPA required by this subpart.

§ 63.1595 List of definitions.

Affected source means a POTW that has a design capacity of 5 million gallons of wastewater per day or more, treats industrial wastewater, and is either a Group 1 POTW or a major source that is a Group 2 POTW.

~~Area source means any stationary source of HAP that is not a major source.~~

Cover means a device that prevents or reduces air pollutant emissions to the atmosphere by forming a continuous barrier over the waste material managed in a treatment unit. A cover may have openings (such as access hatches, sampling ports, gauge wells) that are necessary for operation, inspection, maintenance, and repair of the treatment unit on which the cover is used. A cover may be a separate piece of equipment which can be detached and removed from the treatment unit, or a cover may be formed by structural features permanently integrated into the design of the treatment unit. The cover and its closure devices must be made of suitable materials that will ~~minimize~~prevent exposure of the waste material to the atmosphere, ~~to the extent practical,~~ and will maintain the integrity of the cover and its closure devices throughout its intended service life.

~~Existing source or Existing POTW means a POTW that commenced construction on or before December 1, 1998, and has not been reconstructed after December 1, 1998.~~

Fraction emitted means the fraction of the mass of HAP entering the POTW wastewater treatment plant which is emitted prior to secondary treatment. ~~The value is calculated using the following steps:~~

~~(1) Determine mass emissions from all equipment up to, but not including, secondary treatment for each HAP listed in Table 1 to subpart DD of this part;~~

~~(2) Sum the HAP emissions (ΣE);~~

~~(3) Sum the HAP mass loadings (ΣL) in the influent to the POTW wastewater treatment plant; and~~

~~(4) Calculate the fraction emitted (f_e monthly) using f_e monthly = $\Sigma E / \Sigma L$.~~

~~HAP means hazardous air pollutant(s).~~

~~Industrial Group 1 POTW means a POTW that accepts a waste stream regulated by an industrial/another NESHAP and provides treatment and controls as an agent for the industrial discharger. The industrial discharger complies with its NESHAP by using the treatment and controls located at the POTW. For example, an industry discharges its benzene-containing waste stream to the POTW for treatment to comply with 40 CFR part 61, subpart FF—National Emission Standard for Benzene Waste Operations. This definition does not include POTW treating waste streams not specifically regulated under another NESHAP.~~

~~Industrial user means a nondomestic source introducing any pollutant or combination of pollutants into a POTW. Industrial users can be commercial or industrial facilities whose wastes enter local sewers.~~

Non-industrial Group 2 POTW means a POTW that does not meet the definition of a Group 1 POTW. A Group 2 POTW can treat a waste stream that is either:

- (1) not specifically regulated by another NESHAP, or
- (2) from an industrial POTW as defined above facility that complies with the specific wastewater requirements in their applicable NESHAP prior to discharging the waste stream to the POTW collection system.

New source or New POTW means any POTW that commenced construction or reconstruction after December 1, 1998.

Publicly owned treatment works (POTW) means a treatment works, as that term is defined by section 112(e)(5) of the Clean Air Act, which is owned by a municipality (as defined by section 502(4) of the Clean Water Act), a state, an intermunicipal or interstate agency, or any department, agency, or instrumentality of the federal government. This definition includes any intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment. The wastewater treated by these facilities is generated by industrial, commercial, and domestic sources. As used in this regulation, the term POTW refers to both any publicly owned treatment works which is owned by a state, municipality, or intermunicipal or interstate agency and, therefore, eligible to receive grant assistance under the Subchapter II of the Clean Water Act, and any federally owned

treatment works as that term is described in section 3023 of the Solid Waste Disposal Act.

POTW treatment plant means that portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

~~Reconstruction means the replacement of components of an affected or a previously unaffected stationary source such that:~~

~~(1) The fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable new source; and~~

~~(2) It is technologically and economically feasible for the reconstructed source to meet the relevant standard(s) established by the Administrator (or a State) pursuant to section 112 of the Act. Upon reconstruction, an affected source, or a stationary source that becomes an affected source, is subject to relevant standards for new sources, including compliance dates, irrespective of any change in emissions of HAP from that source.~~

Secondary treatment means treatment processes, typically biological, designed to reduce the concentrations of dissolved and colloidal organic matter in wastewater.

Waste and wastewater means a material, or spent or used water or waste, generated from residential, industrial, commercial, mining, or agricultural operations or from community

activities that contain dissolved or suspended matter, and that is discarded, discharged, or is being accumulated, stored, or physically, chemically, thermally, or biologically treated in a publicly owned treatment works.

Table 1 to Subpart VVW of Part 63—Applicability of 40 CFR Part 63 General Provisions to Subpart VVW

General provisions reference	Applicable to subpart VVW	Explanation
§ 63.1		Applicability.
§ 63.1(a)(1)	Yes	Terms defined in the Clean Air Act.
§ 63.1(a)(2)	Yes	General applicability explanation.
§ 63.1(a)(3)	Yes	Cannot diminish a stricter NESHAP.
§ 63.1(a)(4)	Yes	Not repetitive. Doesn't apply to section 112(r).
§ 63.1(a)(5)	Yes	Section reserved.
§ 63.1(a)(6)-(8)	Yes	Contacts and authorities.
§ 63.1(a)(9)	Yes	Section reserved.
§ 63.1(a)(10)	Yes	Time period definition.
§ 63.1(a)(11)	Yes	Postmark explanation.
§ 63.1(a)(12)-(14)	Yes	Time period changes. Regulation conflict. Force and effect of subpart A.
§ 63.1(b)(1)	Yes	Initial applicability determination of subpart A.
§ 63.1(b)(2)	Yes	Operating permits by States. <u>Section reserved.</u>
§ 63.1(b)(3)	No	Subpart VVW specifies recordkeeping of records of applicability determination.
§ 63.1(c)(1)	Yes	Requires compliance with both subpart A and subpart VVW.

General provisions reference	Applicable to subpart VV	Explanation
§ 63.1(c)(2)(i)	No	State options regarding title V permit. Unless required by the State, area sources subject to subpart VV are exempted from permitting requirements.
§ 63.1(c)(2)(ii)-(iii)	No	State options regarding title V permit.
§ 63.1(c)(3)	Yes	Section reserved.
§ 63.1(c)(4)	Yes	Extension of compliance.
§ 63.1(c)(5)	No	Subpart VV addresses area sources becoming major due to increase in emissions.
§ 63.1(d)	Yes	Section reserved.
§ 63.1(e)	Yes	Title V permit before a relevant standard is established.
§ 63.2	Yes	Definitions.
§ 63.3	Yes	Units and abbreviations.
§ 63.4		Prohibited activities and circumvention.
§ 63.4(a)(1)-(3)	Yes	Prohibits operation in violation of subpart A.
§ 63.4(a)(4)	Yes	Section reserved.
§ 63.4(a)(5)	Yes	Compliance dates.
§ 63.4(b)	Yes	Circumvention.
§ 63.4(c)	Yes	Severability.
§ 63.5		CONSTRUCTION AND RECONSTRUCTION - <u>Preconstruction review and notification requirements.</u>
§ 63.5(a)(1)	Yes	Construction and reconstruction.
§ 63.5(a)(2)	Yes	New source-effective dates.
§ 63.5(b)(1)	Yes	New sources subject to relevant standards.

General provisions reference	Applicable to subpart VVW	Explanation
§ 63.5(b)(2)	Yes	Section reserved.
§ 63.5(b)(3)	Yes	No new major sources without Administrator approval.
§ 63.5(b)(4)	Yes	New major source notification.
§ 63.5(b)(5)	Yes	New major sources must comply.
§ 63.5(b)(6)	Yes	New equipment added considered part of major source.
§ 63.5(c)	Yes	Section reserved.
§ 63.5(d)(1)	Yes	Implementation of section 112(I)(2)—application of approval of new source construction.
§ 63.5(d)(2)	Yes	Application for approval of construction for new sources listing and describing planned air pollution control system.
§ 63.5(d)(3)	Yes	Application for reconstruction.
§ 63.5(d)(4)	Yes	Administrator may request additional information.
§ 63.5(e)	Yes	Approval of reconstruction.
§ 63.5(f)(1)	Yes	Approval based on State review.
§ 63.5(f)(2)	Yes	Application deadline.
§ 63.6		Compliance with standards and maintenance requirements.
§ 63.6(a)	Yes	Applicability of compliance with standards and maintenance requirements.
§ 63.6(b)	Yes	Compliance dates for new and reconstructed sources.
§ 63.6(c)	Yes	Compliance dates for existing sources apply to existing industrialGroup 1 POTW treatment plants .
§ 63.6(d)	Yes	Section reserved.

General provisions reference	Applicable to subpart VVV	Explanation
§ 63.6(e)	Yes, <u>except as noted</u>	Operation and maintenance requirements apply to new sources.
<u>§ 63.6(e)(1)(i)</u>	No	<u>General duty; See § 63.1583(d) and § 63.1586(e) for general duty requirements.</u>
<u>§ 63.6(e)(1)(ii)</u>	No	<u>Requirement to correct malfunctions.</u>
<u>§ 63.6(e)(3)</u>	No	<u>SSM plans are not required.</u>
§ 63.6(f), <u>except as noted</u>	Yes, <u>except as noted</u>	Compliance with non-opacity emission standards applies to new sources.
<u>§ 63.6(f)(1)</u>	No	<u>Standards apply at all times.</u>
§ 63.6(g)	Yes	Use of alternative non-opacity emission standards applies to new sources.
§ 63.6(h)	No	POTW treatment plants do not typically have visible emissions.
§ 63.6(i)	Yes	Extension of compliance with emission standards applies to new sources.
§ 63.6(j)	Yes	Presidential exemption from compliance with emission standards.
§ 63.7		Performance testing requirements.
§ 63.7(a)	Yes	Performance testing is required for new sources.
§ 63.7(b)	Yes	New sources must notify the Administrator of intention to conduct performance testing.
§ 63.7(c)	Yes	New sources must comply with quality assurance program requirements.
§ 63.7(d)	Yes	New sources must provide performance testing facilities at the request of the Administrator.

General provisions reference	Applicable to subpart VVW	Explanation
§ 63.7(e)	Yes, <u>except as noted</u>	Requirements for conducting performance tests apply to new sources.
<u>§ 63.7(e)(1)</u>	<u>No</u>	<u>The performance testing provisions of § 63.694 for control devices are incorporated by reference into subpart DD of this part.</u>
§ 63.7(f)	Yes	New sources may use an alternative test method.
§ 63.7(g)	Yes	Requirements for data analysis, recordkeeping, and reporting associated with performance testing apply to new sources.
§ 63.7(h)	Yes	New sources may request a waiver of performance tests.
§ 63.8		Monitoring requirements.
§ 63.8(a)	Yes	Applicability of monitoring requirements.
§ 63.8(b)	Yes	Monitoring shall be conducted by new sources.
§ 63.8(c)	Yes, <u>except as noted</u>	New sources shall operate and maintain continuous monitoring systems (CMS).
<u>§ 63.8(c)(1)(i)</u>	<u>No</u>	<u>See § 63.1583(d) for general duty requirement with respect to minimizing emissions and continuous monitoring requirements.</u>
<u>§ 63.8(c)(1)(iii)</u>	<u>No</u>	<u>See the applicable CMS quality control requirements under § 63.8(c) and (d).</u>
§ 63.8(d)	Yes, <u>except as noted</u>	New sources must develop and implement a CMS quality control program.

General provisions reference	Applicable to subpart VV	Explanation
§ 63.8(d)(3)	No	The owner or operator must keep these written procedures on record for the life of the affected source or until the affected source is no longer subject to the provisions of this part, and make them available for inspection, upon request, by the Administrator. If the performance evaluation plan is revised, the owner or operator must keep previous (i.e., superseded) versions of the performance evaluation plan on record to be made available for inspection, upon request, by the Administrator, for a period of 5 years after each revision to the plan. The program of corrective action should be included in the plan required under §63.8(d)(2).
§ 63.8(e)	Yes	New sources may be required to conduct a performance evaluation of CMS.
§ 63.8(f)	Yes	New sources may use an alternative monitoring method.
§ 63.8(g)	Yes	Requirements for reduction of monitoring data.
§ 63.9		Notification requirements.
§ 63.9(a)	Yes	Applicability of notification requirements.

General provisions reference	Applicable to subpart VVV	Explanation
§ 63.9(b)	Yes, <u>except as noted</u>	Applicability of notification requirements. Existing major non-industrial POTW treatment plants, and existing and new or reconstructed area non-industrial POTW treatment plants are not subject to the notification requirements. <u>Initial Notification due February 23, 2000 or 60 days after becoming subject to this subpart.</u>
§ 63.9(c)	Yes	Request for extension of compliance with subpart VVV.
§ 63.9(d)	Yes	Notification that source is subject to special compliance requirements as specified in § 63.6(b)(3) and (4).
§ 63.9(e)	Yes	Notification of performance test.
§ 63.9(f)	No	POTW treatment plants do not typically have visible emissions.
§ 63.9(g)	Yes	Additional notification requirements for sources with continuous emission monitoring systems.
§ 63.9(h)	Yes, <u>except as noted</u>	Notification of compliance status when the source becomes subject to subpart VVV. <u>See exceptions in § 63.1591(b).</u>
§ 63.9(i)	Yes	Adjustments to time periods or postmark deadlines or submittal and review of required communications.
§ 63.9(j)	Yes	Change of information already provided to the Administrator.
§ 63.10		Recordkeeping and reporting requirements.
§ 63.10(a)	Yes	Applicability of notification and reporting requirements.

General provisions reference	Applicable to subpart VVV	Explanation
§ 63.10(b)(1)-(2)	Yes, <u>except as noted</u>	General recordkeeping requirements.
<u>§ 63.10(b)(2)(i)</u>	No	<u>Recordkeeping for occurrence and duration of startup and shutdown.</u>
<u>§ 63.10(b)(2)(ii)</u>	No	<u>Recordkeeping for failure to meet a standard, see § 63.696.</u>
<u>§ 63.10(b)(2)(iii)</u>	Yes	<u>Maintenance records.</u>
<u>§ 63.10(b)(2)(iv)</u>	No	<u>Actions taken to minimize emissions during SSM.</u>
<u>§ 63.10(b)(2)(v)</u>	No	<u>Actions taken to minimize emissions during SSM.</u>
<u>§ 63.10(b)(2)(vi)</u>	Yes	<u>Recordkeeping for CMS malfunctions.</u>
<u>§ 63.10(b)(2)(vii)-(ix)</u>	Yes	<u>Other CMS requirements.</u>
§ 63.10(b)(3)	No	Recording requirement for applicability determination.
§ 63.10(c)	Yes, <u>except as noted</u>	Additional recordkeeping requirements for sources with continuous monitoring systems.
<u>§63.10(c)(8)</u>	No	<u>See § 63.696(h) for recordkeeping of (1) date, time and duration; (2) listing of affected source or equipment, and an estimate of the volume of each regulated pollutant emitted over the standard; and (3) actions to minimize emissions and correct the failure.</u>
<u>§63.10(c)(7)</u>	No	<u>See § 63.696(h) for recordkeeping of (1) date, time and duration; (2) listing of affected source or equipment, and an estimate of the volume of each regulated pollutant emitted over the standard; and (3) actions to minimize emissions and correct the failure.</u>

General provisions reference	Applicable to subpart VVW	Explanation
§63.10(c)(15)	No.	Use of SSM plan.
§ 63.10(d)	Yes, except as noted	General reporting requirements.
§ 63.10(d)(5)	No	See § 63.697(b) for malfunction reporting requirements.
§ 63.10(e)	Yes	Additional reporting requirements for sources with continuous monitoring systems.
§ 63.10(f)	Yes	Waiver of recordkeeping and reporting requirements.
§ 63.11	Yes	Control device and equipment leak work practice requirements.
§ 63.11(a) and (b)	Yes	If a new source uses flares to comply with the requirements of subpart VVW, the requirements of § 63.11 apply.
§ 63.11(c), (d) and (e)	Yes	Alternative work practice for equipment leaks.
§ 63.12	Yes	State authority and designation.
§ 63.13	Yes	Addresses of State air pollution control agencies and EPA Regional Offices.
§ 63.14	Yes	Incorporation by reference.
§ 63.15	Yes	Availability of information and confidentiality.

Table 2 to Subpart VVW of Part 63—Compliance Dates and Requirements

<u>If the construction/reconstruction date is...</u>	<u>Then the owner or operators must comply with...</u>	<u>And the owner or operators must achieve compliance...</u>
<u>Group 1 POTW:</u>		
<u>(1) After [insert the date of publication in the Federal Register]</u>	<u>(i) New source requirements in §§ 63.1583(b);</u>	<u>Upon initial startup</u>

	<u>63.1586(b) or (c); 63.1586(d); and 63.1588 through 63.1591.</u>	
<u>(2) After December 1, 1998 but on or before [insert the date of publication in the Federal Register]</u>	<p><u>(i) New source requirements in § 63.1583(b) but instead of complying with both requirements, you must comply with the most stringent requirement.¹</u></p> <p><u>(ii) New source requirements in §§ 63.1586(b) or (c); 63.1586(d); and 63.1588 through 63.1591.</u></p>	<p><u>(i) Upon initial startup through the date 12 months after the final rule is published in the Federal Register</u></p> <p><u>(ii) On or before date 12 months after the final rule is published in the Federal Register.</u></p>
<u>(3) On or before December 1, 1998</u>	<p><u>(i) Existing source requirements in § 63.1583(a) but instead of complying with both requirements, you must comply with only the other applicable NESHAP.</u></p> <p><u>(ii) Existing source requirements in §§ 63.1583(a); 63.1586(a) and (d); and 63.1588 through 63.1591.</u></p>	<p><u>(i) By the compliance date specified in the other applicable NESHAP</u></p> <p><u>(ii) On or before date 12 months after the final rule is published in the Federal Register.</u></p>
Group 2 POTW:		
<u>(4) After [insert the date of publication in the Federal Register]</u>	<u>(i) New source requirements in §§ 63.1586(b) or (c); 63.1586(d); and 63.1588 through 63.1591.</u>	<u>Upon initial startup</u>
<u>(5) After December 1, 1998 but on or before [insert the date of</u>	<u>(i) New source requirements in § 63.1586(b) or (c).¹</u>	<u>(i) Upon initial startup through the date 12 months after the</u>

<p><u>publication in the Federal Register]</u></p>	<p><u>(ii) New source requirements in §§ 63.1586(b) or (c); 63.1586(d); and 63.1588 through 63.1591.</u></p>	<p><u>final rule is published in the Federal Register</u></p> <p><u>(ii) On or before date 12 months after the final rule is published in the Federal Register.</u></p>
<p><u>(6) On or before December 1, 1998</u></p>	<p><u>(i) Existing source requirements in §§ 63.1586(a) and (d); and 63.1588 through 63.1591.</u></p>	<p><u>On or before date 12 months after the final rule is published in the Federal Register.</u></p>

¹ Note: This represents the requirements in the original 1999 NESHAP, which are applicable until 12-months after the final rule is published in the **Federal Register.** During those 12-months, you must transition to the new requirements in Table 2 (2)(ii) and (5)(ii) for Group 1 and Group 2 POTW, respectively.