

40 CFR 63 Subpart U - Rule Interpretation Memos

- ! [Typographical error in citation §63.480\(f\)\(6\)](#) [October 22, 1997]
- ! [Typographical error in citation §63.496\(b\)](#) [February 2, 1998]
- ! [Typographical error in citation §63.506\(e\)\(6\)\(iii\)\(D\)\(4\)](#) [March 11, 1998]
- ! [Typographical error in citation §63.506\(e\)\(6\)\(iii\)\(D\)](#) [March 11, 1998]
- ! [Typographical error in citation §63.506\(e\)\(5\)](#) [March 11, 1998]
- ! [Typographical error in 40 CFR 63 Subpart U §63.494\(a\)\(5\)](#) [August 31, 1998]
- ! [Typographical error in 40 CFR 63 Subpart U §63.491\(b\)\(2\)](#) [August 31, 1998]
- ! [Typographical error in 40 CFR 63 Subpart U §63.480\(e\)](#) [September 1, 1998]
- ! [Typographical error in § 63.501\(a\)\(9\)](#) [November 4, 1998]

Last Modified: November 4, 1998

Rule Interpretation Summary Form

REQUEST:

Rule/Regulation Citation(s):	Federal Rule: <u> X </u> State Regulation: <u> </u>
40 CFR 63 Subpart U	Description: National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins
Interpretation Request:	
In § 63.480(f)(6), the paragraph reads "...include the information specified in either paragraph (e)(6)(i) or (e)(6)(ii) of this section." No paragraph of this designation exists in § 63.480 and the logical references appear to be to (f)(6)(i) and (f)(6)(ii). I request clarification of which paragraphs are being referenced in this statement.	

DETERMINATION:

Summary of Request:
In § 63.480(f)(6), the paragraph reads "...include the information specified in either paragraph (e)(6)(i) or (e)(6)(ii) of this section." No paragraphs of this designation exist in § 63.480. Should the correct references be to § 63.480(f)(6)(i) and (f)(6)(ii)?
Determination:
Section 63.480(f)(6) should reference § 63.480(f)(6)(i) and (f)(6)(ii), rather than (e)(6)(i) and (e)(6)(ii).

Bibliography

61 FR 46905, Sept 5, 1996 of the Federal Register

Rule Interpretation Summary Form

Rule/Regulation Citation(s):	Federal Rule: <u> X </u> State Regulation: <u> </u> Description:
40 CFR 63, Subpart U	National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins
Interpretation Request:	
Section 63.496(b) references § 63.496(b)(1)-(10) . A review of § 63.496(b) showed that citations § 63.496(b)(9) and (10) do not exist. Should the reference in § 63.496(b) be to § 63.496(b)(1)-(8)?	
Determination:	
The correct references should be to § 63.496(b)(1)-(8). Therefore, the language in § 63.496(b) should read as follows: “Compliance shall be demonstrated using the provisions in paragraphs (b)(1) through (b)(8) of this section, as applicable.”	

Bibliography:

60 Fed. Reg. 30,801 (1995).

61 Fed. Reg. 46,905 (1996).

Rule Interpretation Summary Form

Rule/Regulation Citation(s):	Federal Rule: <u> X </u> State Regulation: <u> ___ </u>
40 CFR 63, Subpart U	Description: National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins
Interpretation Request:	
Section §63.506(e)(6)(iii)(D)(4) states “ Notification if a standard operating procedure, as defined in § 63.500(1), is changed.” No such citation exists in § 63.500 . Which, if any, citation would be correct in this context?	
Determination:	
The correct reference should be to § 63.500(a)(1). Therefore, the language in § 63.506(e)(6)(iii)(D)(4) should read as follows: “Notification if a standard operating procedure, as defined in § 63.500(a)(1), is changed. This shall also include test results of the carbon disulfide concentration resulting from the new standard operating procedure.”	

Bibliography:

60 Fed. Reg. 30,801 (1995). [As published on June 12, 1995]

61 Fed. Reg. 46,905 (1996). [As published on September 5, 1996]

Rule Interpretation Summary Form

Rule/Regulation Citation(s):	Federal Rule: <u> X </u> State Regulation: <u> __ </u>
40 CFR 63, Subpart U	Description: National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins
Interpretation Request:	
Section §63.506(e)(6)(iii)(D) states “The information in paragraphs (e)(6)(iii)(D)(1) through (e)(6)(iii)(D)(3) of this section, as applicable:” Under §63.506(e)(6)(iii)(D), paragraph (e)(6)(iii)(D)(4) also exists. Should § 63.506(e)(6)(iii)(D) also include a reference to this paragraph?	
Determination:	
The language in § 63.506 (e)(6)(iii)(D) should also include paragraph (e)(6)(iii)(D)(4). Therefore, § 63.506 (e)(6)(iii)(D) should read as follows: “The information in paragraphs (e)(6)(iii)(D)(1) through (e)(6)(iii)(D)(4) of this section, as applicable: ”	

Bibliography:

60 Fed. Reg. 30,801 (1995) [As published on June 12, 1995].

61 Fed. Reg. 46,905 (1996) [As published on September 5, 1996].

Rule Interpretation Summary Form

Rule/Regulation Citation(s):	Federal Rule: <u> X </u> State Regulation: <u> ___ </u>
40 CFR 63, Subpart U	Description: National Emission Standard for Hazardous Air Pollutant Emissions: Group I Polymers and Resins
Interpretation Request:	
Section §63.506(e)(5) states "... notification shall contain the information listed in paragraphs (e)(5)(i) through (e)(5)(vii) of this section." Under § 63.506(e)(5), paragraphs (e)(5)(viii) and (e)(5)(ix) are also included and specifies information which appears to also be required in the Notification of Compliance Status report referenced in the affected citation. Should § 63.506(e)(5) include references to these paragraphs?	
Determination:	
The language in § 63.506(e)(5) should also include paragraphs (e)(5)(viii) and (e)(5)(ix). Therefore, § 63.506(e)(5) should read as follows: <i>Notification of Compliance Status.</i> For existing and new affected sources, a Notification of Compliance Status shall be submitted within 150 operating days after the compliance dates specified in § 63.481. The notification shall contain the information listed in paragraphs (e)(5)(i) through (e)(5)(ix) of this section.	

Bibliography:

60 Fed. Reg. 30,801 (1995) [As published on June 12, 1995].

61 Fed. Reg. 46,905 (1996) [As published on September 5, 1996].

Rule Interpretation Summary Form

Rule/Regulation Citation(s):	Federal Rule: <u> X </u> State Regulation: <u> </u> Description:
40 C.F.R. 63, Subpart U § 63.494(a)(5)	National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins
Interpretation Request:	
Title 40 Code of Federal Regulation (C.F.R.) § 63.494(a)(5) has a reference to paragraphs (a)(5)(i) through (iv) of this section, yet there are two paragraphs designated as (a)(5)(iii). Should the second of these paragraphs be designated as (a)(5)(iv)?	
Determination:	
The second 40 C.F.R. § 63.494(a)(5)(iii) should be § 63.494(a)(5)(iv).	

Bibliography:

61 Fed. Reg. 46,949 (1996). [September 5, 1996]

Please note, in the event that a member of the public or the regulated community feels that this rule interpretation is in error or a source of information has been overlooked which would change the determination, a request for reconsideration may be submitted. Requests must be submitted on a Reconsideration Process Form which is available at the TNRCC's homepage: <http://www.tnrcc.state.tx.us/air/opd/rimhmpg.htm>, or from any of the rule interpretation team members.

[AOPDG95A/8928-v2]

Rule Interpretation Summary Form

Rule/Regulation Citation(s):	Federal Rule: <u> X </u> State Regulation: <u> </u>
40 C.F.R. 63, Subpart U § 63.491(b)(2)	Description: National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins
Interpretation Request:	
Title 40 Code of Federal Regulations (C.F.R.) § 63.491(b)(2) states that records documenting the batch cycle percent reduction as specified in 40 C.F.R. § 62.486-4(c)(2) should be kept. Should this specified reference be to § 63.490(c)(2) instead of § 62.486-4(c)(2) ?	
Determination:	
The correct reference in § 63.491(b)(2) should be to § 63.490(c)(2) . Therefore, § 63.491(b)(2) should read as follows: “If a batch front-end process vent is in compliance with § 63.487(a)(2) , records documenting the batch cycle percent reduction as specified in § 63.490(c)(2) .”	

Bibliography:

60 Fed. Reg. 30,801 (1996). [Preamble to Proposed Rule as published on June 12, 1995]

61 Fed. Reg. 46,905 (1996). [September 5, 1996]

40 C.F.R. 63, Subpart U. [1997]

Docket No. A-92-44 [Proposed Rule]

EPA Technology Transfer Network (TTN) [Proposed Rule]

Rule Interpretation Summary Form

Rule/Regulation Citation(s):	Federal Rule: <u> X </u> State Regulation: <u> </u>
40 C.F.R. Part 63, Subpart U	Description: National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins.
Interpretation Request:	
In Title 40 Code of Federal Regulations (C.F.R.) Part 63, Subpart U, § 63.480(e) makes reference to production of resin that is produced by equipment subject to 40 C.F.R. Part 63, Subpart V. However, 40 C.F.R. Part 63, Subpart V does not exist (it is reserved). Should this reference be to Subpart JJJ?	
Determination:	
The reference to 40 C.F.R. Part 63, Subpart V in § 63.480(e) is incorrect. The correct reference should be to 40 C.F.R. Part 63, Subpart JJJ.	

Bibliography:

62 Fed. Reg. 46, 925 (1996). [September 5, 1996]

40 C.F.R. 63, Subpart U (1997).

Please note, in the event that a member of the public or the regulated community feels that this rule interpretation is in error or a source of information has been overlooked which would change the determination, a request for reconsideration may be submitted. Requests must be submitted on a Reconsideration Process Form which is available at the TNRCC's homepage: <http://www.tnrcc.state.tx.us/air/opd/rimhmpg.htm>, or from any of the rule interpretation team members.

Rule Interpretation Summary Form

Rule/Regulation Citation(s):	Federal Rule: <u> X </u> State Regulation: <u> </u>
Title 40 C.F.R. Part 63, Subpart U	Description: National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins
Interpretation Request:	
Title 40 Code of Federal Regulations (C.F.R.) Part 63, Subpart U, § 63.501(a)(9) references the requirements in § 63.138(e)(2) and § 63.145(i) . Should the referenced requirements instead be § 63.138(g)(2) and § 63.145(e) or (g) , respectively?	
Determination:	
Title 40 C.F.R. § 63.501(a)(9) should reference the requirements in § 63.138(g)(2) and § 63.145(e) or (g) . Thus, 40 C.F.R. § 63.501(a)(9) should read: “For the purposes of this subpart, owners or operators are not required to comply with the provisions of § 63.138(g)(2) of subpart G which specify that owners or operators shall demonstrate that 95 percent of the mass of HAP [hazardous air pollutant], as listed in Table 9 of subpart G, is removed from the wastewater stream or combination of wastewater streams by the procedure specified in § 63.145(e) or (g) of subpart G for a biological treatment unit.”	

Bibliography:

Title 40 C.F.R. [§ 63.501\(a\)\(9\)](#) (1996).

Title 40 C.F.R. [§ 63.138\(e\)\(2\)](#) (1997).

Title 40 C.F.R. [§ 63.138\(g\)](#) (1997).

59 Fed. Reg. 19,505 (1994). [April 22, 1994]

61 Fed. Reg. 43,698 (1996). [August 26, 1996]

61 Fed. Reg. 43,709 (1996). [August 26, 1996]

61 Fed. Reg. 46,906 (1996). [September 5, 1996]

62 Fed. Reg. 2,722 (1997). [January 17, 1997]

62 Fed. Reg. 2,723 (1997). [January 17, 1997]