
40 C.F.R. § 63.1400

Applicability and designation of affected sources.

(a) *Applicability.* The provisions of this subpart apply to the owner or operator of processes that produce amino/phenolic resins and that are located at a plant site that is a major source as defined in § 63.2.

(b) *Affected source.* The affected source is:

- (1) The total of all amino/phenolic resin process units (APPU);
- (2) The associated heat exchange systems;
- (3) Equipment required by, or utilized as a method of compliance with, this subpart which may include control devices and recovery devices;
- (4) Equipment that does not contain organic hazardous air pollutants (HAP) and is located within an APPU that is part of an affected source;
- (5) Vessels and equipment storing and/or handling material that contain no organic HAP and/or organic HAP as impurities only;
- (6) Equipment that is intended to operate in organic HAP service for less than 300 hours during the calendar year;
- (7) Each waste management unit; and
- (8) Maintenance wastewater.

(c) *Existing affected source.* The affected source to which the existing source provisions of this subpart apply is defined in paragraph (b) of this section.

(d) *New affected source.* The affected source to which the new source provisions of this subpart apply is:

- (1) Each affected source defined in paragraph (b) of this section that commences construction or reconstruction after December 14, 1998;
- (2) Each additional group of one or more APPU and associated heat exchange systems that has the potential to emit 10 tons per year or more of any organic HAP or 25 tons per year or more of any combination of organic HAP that commences construction after December 14, 1998; or
- (3) Each group of one or more process units and associated heat exchange systems that are converted to APPUs after December 14, 1998, that has the potential to emit 10 tons per year or more of any organic HAP or 25 tons per year or more of any combination of organic HAP.

(e) *APPUs without organic HAP.* An APPU that is part of an affected source, as defined in paragraph (c) or (d) of

this section, but that does not use or manufacture any organic HAP, is not subject to any other provisions of this subpart and is not required to comply with the provisions of subpart A of this part. When requested by the Administrator, the owner or operator shall demonstrate that the APPU does not use or manufacture any organic HAP. Types of information that could document this determination include, but are not limited to, records of chemicals purchased for the process, analyses of process stream composition, engineering calculations, or process knowledge.

- (f) *Exemption from equipment leak provisions.* Affected sources with actual annual production of amino/phenolic resin equal to or less than 800 megagrams per year (Mg/yr) for the 12-month period preceding December 14, 1998 are exempt from the equipment leak provisions specified in § 63.1410. The owner or operator utilizing this exemption shall recheck the actual annual production of amino/phenolic resins for each 12-month period following December 14, 1998. The beginning of each 12-month period shall be the anniversary of December 14, 1998. If the actual annual production of amino/phenolic resins is greater than 800 Mg/yr for any 12-month period, the owner or operator shall comply with § 63.1410 for the life of the affected source or until the affected source is no longer subject to the provisions of this subpart.
- (g) *Primary product determination and applicability.* For purposes of this paragraph, amino resins and phenolic resins shall be considered to be the same product and production time or production mass of amino and phenolic resins shall be combined for purposes of determining the primary product under this paragraph (g). If the owner or operator determines that a process unit is not an APPU under paragraphs (g)(1) through (4) of this section, the owner or operator shall, when requested by the Administrator, demonstrate that the process unit is not an APPU.

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