

§ 63.402

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of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of the EPA).

(4) For affected sources (as defined in this part) applying for or subject to a title V permit: "responsible official" shall have the same meaning as defined in part 70 of this chapter or Federal title V regulations (42 U.S.C. 7661), whichever is applicable.

Water treatment chemicals means any combination of chemical substances used to treat water in cooling towers, including corrosion inhibitors, antiscalants, dispersants, and any other chemical substances used to treat water.

§ 63.402 Standard.

No owner or operator of an IPCT shall use chromium-based water treatment chemicals in any affected IPCT.

§ 63.403 Compliance dates.

The requirements of § 63.402 of this subpart shall be applied on the following schedule:

(a) For existing IPCT's, the compliance date shall be 18 months after September 8, 1994.

(b) For new IPCT's that have an initial startup before September 8, 1994, the compliance date shall be September 8, 1994.

(c) For new IPCT's that have an initial startup on or after September 8, 1994, the compliance date shall be the date of the initial startup.

§ 63.404 Compliance demonstrations.

No routine monitoring, sampling, or analysis is required. In accordance with section 114 of the Act, the Administrator or delegated authority can require cooling water sample analysis of an IPCT if there is information to indicate that the IPCT is not in compliance with the requirements of § 63.402 of this subpart. The owner or operator of an IPCT may demonstrate compliance through recordkeeping in accordance with paragraph (c) of this section in lieu of a water sample analysis. If cooling water sample analysis is required:

(a) The water sample analysis shall be conducted in accordance with Meth-

od 7196, Chromium, Hexavalent (Colorimetric), contained in the Third Edition of "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, (November 1986) and its Revision I, (December 1987), which are available for the cost of \$110.00 from the Government Printing Office, Superintendent of Documents, Washington, DC 20402, (202) 783-3238 (document number 955-001-00000-1; or Method 3500-Cr D, Colorimetric Method, contained in the 18th Edition of "Standard Methods for the Examination of Water and Wastewater" (1992), which is available from the American Public Health Association, 1015 15th Street, NW., Washington, DC 20005. These methods were approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be inspected as a part of Docket A-91-65, located at the Air and Radiation Docket and Information Center, room M1500, EPA Central Docket Section, 401 M St., SW., Washington, DC. Copies may be inspected at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

(b) On or after 3 months after the compliance date, a cooling water sample residual hexavalent chromium concentration equal to or less than 0.5 parts per million by weight shall indicate compliance with § 63.402. Alternatively, an owner or operator may demonstrate compliance through record keeping in accordance with paragraph (c).

(c) To demonstrate compliance with § 63.402, in lieu of the water sample analysis provided for in paragraph (a) of this section, the owner or operator of each IPCT may maintain records of water treatment chemical purchases, including invoices and other documentation that includes invoices and other documentation that includes date(s) of purchase or shipment, trade name or other information to identify composition of the product, and quantity of the product.

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(d) Following a request, by the Administrator or delegated authority, under paragraph (a) for a water sample analysis, failure to either meet the concentration level specified in paragraph (b) or provide the records specified in paragraph (c) shall indicate a violation of § 63.402.

[59 FR 46350, Sept. 8, 1994, as amended at 63 FR 39519, July 23, 1998; 69 FR 18803, Apr. 9, 2004]

§ 63.405 Notification requirements.

(a) *Initial notification.* (1) In accordance with § 63.9(b) of subpart A, owners or operators of all affected IPCT's that have an initial startup before September 8, 1994, shall notify the Administrator in writing. The notification, which shall be submitted not later than 12 months after September 8, 1994, shall provide the following information:

(i) The name and address of the IPCT owner or operator;

(ii) The address (i.e., physical location) of the affected IPCT;

(iii) A statement that the notification is being submitted as required by this subpart; and

(iv) A description of the type of water treatment program used in the affected IPCT, including the chemical name of each corrosion inhibitor ingredient used; the average concentration of those corrosion inhibitor ingredients maintained in the cooling water; and the material safety data sheet for each water treatment chemical or chemical compound used in the IPCT.

(2) In accordance with § 63.9(b) of subpart A, owners or operators of all affected IPCT's that have an initial startup on or after September 8, 1994, shall notify the Administrator in writing that the source is subject to the relevant standard no later than 12 months after initial startup. The notification shall provide all the information required in paragraphs (a)(1)(i) through (a)(1)(iv) of this section.

(b) *Notification of compliance status.* (1) In accordance with § 63.9(h) of subpart A, owners or operators of affected IPCT's shall submit to the Administrator a notification of compliance status within 60 days of the date on which the IPCT is brought into compliance with § 63.402 of this subpart and not

later than 18 months after September 8, 1994.

(2) The notification of compliance status must:

(i) Be signed by a responsible official who also certifies the accuracy of the report;

(ii) Certify that source has complied with § 63.402 of this subpart; and

(iii) Include the information required in paragraph (a)(1)(iv) of this section.

(iv) Include the following statement:

I certify that no chromium-based water treatment chemicals have been introduced since (the initial compliance date) into any IPCT located within the facility for any purpose.

§ 63.406 Recordkeeping and reporting requirements.

To demonstrate continuing compliance with § 63.402 of this subpart, the owner or operator of each affected IPCT shall maintain copies of the initial notification and the notification of compliance status as required by § 63.405 of this subpart for a period of at least 5 years onsite.

§ 63.407 Implementation and enforcement.

(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 in paragraph (c) of this section are retained by the Administrator of U.S. EPA and cannot be transferred 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.