

REGULATION No. 38
EMISSIONS STANDARDS FOR HAZARDOUS
AIR POLLUTANTS FOR SOURCE CATEGORIES

10/11/00

Subpart N Emission Standards for Chromium Emissions From Hard and Decorative Chromium
Electroplating and Chromium Anodizing Tanks

The provisions of Sections 63.340 through 63.347 in Subpart N, of Title 40, Part 63 of the Code of Federal Regulations, dated July 1, 1998 are hereby adopted by reference with the following changes:

- (a) Except as shown in Table N-1 of this subpart, "Department" shall replace "Administrator".
- (b) Paragraph 63.340(b) shall be replaced with the following language: "Owners or operators of affected sources subject to the provisions of this subpart must also comply with the requirements of subpart A of this regulation, according to the applicability of subpart A of this regulation to such sources, as identified in Table 1 of this subpart."
- (c) The opening sentence of paragraph 63.340(e)(1) shall be replaced with the following language: "The Department has determined, pursuant to the criteria under Sec. 3 of Regulation 30 of the State of Delaware "Regulations Governing the Control of Air Pollution", that an owner or operator of the following types of operations that are not by themselves major sources and that are not located at major sources, as defined in Regulation 30, is permanently exempt from title V permitting requirements for that operation:"
- (d) Paragraph 63.340(e)(2) shall be replaced with the following language: "An owner or operator of any other affected source subject to the provisions of this subpart is subject to title V permitting requirements of Regulation 30. These affected sources, if not major or located at major sources as defined in Regulation 30, are deferred by the Department from title V permitting requirements until December 9, 2004. All sources receiving deferrals shall submit title V permit applications by December 9, 2005. All sources receiving deferrals still must meet the compliance schedule as stated in Sec. 63.343."
- (e) The opening sentence of Section 63.341(a) shall be replaced with the following language: "Terms used in this subpart are defined in the Act, in subpart A of this regulation, or in this section. For the purposes of subpart N of this regulation, if the same term is defined in subpart A of this regulation and in this section, it shall have the meaning given in this section."
- (f) Paragraph 63.341(b)(10) shall be replaced with the following language: " VR_{tot} = the average total ventilation rate for the three test runs as determined at the outlet by means of the Method 306 in appendix A of 40 CFR part 63 in dscm/min."

- (g) The first sentence of paragraph 63.342(f)(3)(i) shall be replaced with the following language: “The owner or operator of an affected source subject to the work practices of paragraph (f) of this section shall prepare an operation and maintenance plan to be implemented no later than September 11, 1999.”
- (h) Replace all “Table 1 of this section” and “Table 1 of Sec. 63.342” with “Table 342-1 of this section” and “Table 342-1 of Sec. 63.342”, respectively.
- (i) Paragraph 63.342(f)(3)(i)(C) shall be replaced with the following language: “If the specific equipment used is not identified in Table 342-1 of this section, the plan shall incorporate proposed work practice standards. These proposed work practice standards shall be submitted to the Administrator (with copy to the Department) for approval as part of the submittal required under Sec. 63.343(d);”.
- (j) The first sentence of paragraph 63.342(f)(3)(iii) shall be replaced with the following language: “Recordkeeping associated with the operation and maintenance plan is identified in Sec. 63.346(b) and paragraph (f)(3)(v) of this section.”
- (k) Replace the title of table in Section 63.342 with the following title: “Table 342-1 to Sec. 63.342.--Summary of Work Practice Standards”.
- (l) The following errata found in Table 342-1 as published in the Federal Register and the Code of Federal Regulations shall be corrected as follows:
 - (i) Replace “chronic” with “chromic”;
 - (ii) Replace “PSB” with “PBS”; and
 - (iii) Replace “manufacturers” with “manufacturer’s”.
- (m) Replace each “this part” found in Sections 63.343 and 63.344 with “40 CFR part 63”.
- (n) Paragraph 63.343(a)(1) shall be replaced with the following language: “The owner or operator of an existing affected source shall comply by September 11, 1999 with the emission limitations in Sec. 63.342.”
- (o) Paragraphs 63.343(a)(1)(i) and (ii) shall be deleted.
- (p) Paragraph 63.343(a)(2) shall be replaced with the following language: “The owner or operator of a new or reconstructed affected source that has an initial startup after January 25, 1995, shall comply by September 11, 1999 or immediately upon startup of the source, whichever is later. The owner or operator of a new or reconstructed affected source that has an initial startup after December 16, 1993 but before January 25, 1995, shall comply by September 11, 1999.”
- (q) Paragraph 63.343(a)(5) shall be replaced with the following language: “An owner or operator of an existing hard chromium electroplating tank or tanks located at a small, hard chromium electroplating facility that increases its maximum cumulative potential rectifier capacity, or its actual cumulative rectifier capacity, such that the facility becomes a large, hard chromium electroplating facility must comply with the requirements of Sec. 63.342(c)(1)(i) for all hard chromium electroplating tanks

at the facility no later than 1 year after the month in which monthly records required by Secs. 63.342(c)(2) and 63.346(b)(12) show that the large designation is met.”

- (r) Paragraph 63.343(a)(6) shall be replaced with the following language: “An owner or operator of an affected source or sources that requests an extension of compliance shall do so in accordance with the applicable paragraphs of Sec. 63.6(i) of subpart A. When the owner or operator is requesting the extension for more than one affected source located at the facility, then only one request may be submitted for all affected sources at the facility.”
- (s) Paragraph 63.343(a)(6)(i) shall be deleted.
- (t) Paragraph 63.343(a)(6)(ii) shall be deleted.
- (u) Paragraph 63.343(b)(1) shall be replaced with the following language: “Except as provided in paragraphs (b)(2) and (b)(3) of this section, an owner or operator of an affected source subject to the requirements of this subpart is required to conduct an initial performance test as required under Sec. 63.7 of subpart A using the procedures and test methods listed in Secs. 63.7 of subpart A and 63.344 of this subpart.”
- (v) The first sentence of paragraph 63.343(c)(1)(ii) shall be replaced with the following language: “On and after the date on which the initial performance test is required to be completed under Sec. 63.7 of subpart A, the owner or operator of an affected source, or group of affected sources under common control, shall monitor and record the pressure drop across the composite mesh-pad system once each day that any affected source is operating.”
- (w) The first sentence of paragraph 63.343(c)(2)(ii) shall be replaced with the following language: “On and after the date on which the initial performance test is required to be completed under Sec. 63.7 of subpart A, the owner or operator of an affected source, or group of affected sources under common control, shall monitor and record the velocity pressure at the inlet to the packed-bed system and the pressure drop across the scrubber system once each day that any affected source is operating.”
- (x) The first sentence of paragraph 63.343(c)(4)(ii) shall be replaced with the following language: “On and after the date on which the initial performance test is required to be completed under Sec. 63.7 of subpart A, the owner or operator of an affected source, or group of affected sources under common control, shall monitor and record the pressure drop across the fiber-bed mist eliminator, and the control device installed upstream of the fiber bed to prevent plugging, once each day that any affected source is operating.”
- (y) The first sentence of paragraph 63.343(c)(5)(ii) shall be replaced with the following language: “On and after the date on which the initial performance test is required to be completed under Sec. 63.7 of subpart A, the owner or operator of an affected source shall monitor the surface tension of the electroplating or anodizing bath.”

- (z) The first sentence of paragraph 63.343(c)(6)(ii) shall be replaced with the following language: “On and after the date on which the initial performance test is required to be completed under Sec. 63.7 of subpart A, the owner or operator of an affected source shall monitor the foam blanket thickness of the electroplating or anodizing bath.”
- (aa) Paragraph 63.343(c)(8)(i) shall be replaced with the following language: “Requests and approvals of alternative monitoring methods shall be considered in accordance with Sec. 63.8(f)(1), (f)(3), (f)(4), and (f)(5) of subpart A.”
- (bb) Paragraph 63.343(d) shall be replaced with the following language: “An owner or operator who uses an air pollution control device not listed in this section shall submit to the Administrator (with copy to the Department) a description of the device, test results collected in accordance with Sec. 63.344(c) verifying the performance of the device for reducing chromium emissions to the atmosphere to the level required by this subpart, a copy of the operation and maintenance plan referenced in Sec. 63.342(f) including proposed work practice standards, and appropriate operating parameters that will be monitored to establish continuous compliance with the standards. The monitoring plan submitted identifying the continuous compliance monitoring is subject to the Administrator’s approval.”
- (cc) The first sentence of paragraph 63.344(a) shall be replaced with the following language: “Performance tests shall be conducted using the test methods and procedures in this section and Sec. 63.7 of subpart A.”
- (dd) The last sentence of paragraph 63.344(c)(2)(iii) shall be replaced with the following language: “The other requirements of Sec. 63.7 of subpart A that apply to affected sources, as indicated in Table 1 of this subpart, must also be met.”
- (ee) The last sentence of paragraph 63.344(c)(4) shall be replaced with the following language: “Procedures for requesting and obtaining approval are contained in Sec. 63.7(f) of subpart A.”
- (ff) The second sentence of paragraph 63.344(d)(4)(i) shall be replaced with the following language: “The port shall be located as close to the control system as possible, and shall be placed a minimum of 2 duct diameters downstream and 0.5 duct diameter upstream of any flow disturbance such as a bend, expansion, or contraction (see Method 1, 40 CFR part 60, appendix A).”
- (gg) Paragraph 63.344(e)(2) shall be replaced with the following language: “When multiple affected sources performing the same type of operation (e.g., all are performing hard chromium electroplating) and subject to the same emission limitation are controlled with an add-on air pollution control device that is not controlling emissions from any other type of affected operation or from any nonaffected sources, the applicable emission limitation identified in Sec. 63.342 must be met at the outlet of the add-on air pollution control device.”

- (hh) The opening of paragraph 63.344(e)(3)(iv) shall be replaced with the following language: “Determine the total ventilation rate from the affected sources (VR_{inlet}) by using equation 1:

$$VR_{tot} \times IDA_i / IA_{total} = VR_{inlet} \quad (1)$$
where”.
- (ii) Replace “Sigma VR_{inlet} ” in paragraph 63.344(e)(3)(v) with “ VR_{inlet} ”.
- (jj) The opening of paragraph 63.344(e)(4)(ii) shall be replaced with the following language: “Determine the total ventilation rate for each type of affected source ($VR_{inlet,a}$) using equation 3:

$$VR_{tot} \times IDA_{i,a} / IA_{total} = VR_{inlet,a} \quad (3)$$
where”.
- (kk) The opening of paragraph 63.344(e)(4)(iii) shall be replaced with the following language: “Establish the allowable mass emission rate in mg/hr for each type of affected source (AMR_i) that is controlled by the add-on air pollution control device using equation 4, 5, 6, or 7 as appropriate.”.
- (ll) The opening of paragraph 63.344(e)(4)(iv) shall be replaced with the following language: “Establish the allowable mass emission rate (AMR_{sys}) in mg/hr for the system using equation 8, including each type of affected source as appropriate.”.
- (mm) Paragraph 63.345(b) shall be replaced with the following language: “New or reconstructed affected sources. The owner or operator of a new or reconstructed affected source is subject to applicable paragraphs of Sec. 63.5, as noted in Table 1 of subpart N, as well as the provisions of this section.”
- (nn) The first sentence of paragraph 63.345(b)(1) shall be replaced with the following language: “After September 11, 1999, whether or not an approved permit program is effective in the State in which an affected source is (or would be) located, no person may construct a new affected source or reconstruct an affected source subject to this subpart, or reconstruct a source such that it becomes an affected source subject to this subpart, without submitting a notification of construction or reconstruction to the Department.”
- (oo) Paragraph 63.345(b)(2)(iii) shall be replaced with the following language: “A notification of intention to construct a new affected source or make any physical or operational changes to an affected source that may meet or has been determined to meet the criteria for a reconstruction as defined in Sec. 63.2 of subpart A;”.
- (pp) Paragraph 63.345(b)(2)(iv) shall be replaced with the following language: “An identification of subpart N of this regulation as the basis for the notification;”.
- (qq) Paragraph 63.345(b)(4), in its entirety, shall be replaced with the following language: “(4)(i) The owner or operator of a new or reconstructed affected area

source that submits a notification in accordance with paragraphs (b)(1) through (3) of this section is not subject to approval by the Department. Construction or reconstruction is subject only to notification and can begin upon submission of a complete notification.

- (ii) The owner or operator of a new or reconstructed affected major source that submits a notification in accordance with paragraphs (b)(1) through (3) of this section and an application for approval of construction or reconstruction in accordance with requirements of Sec. 63.5 of subpart A is subject to approval by the Department. Construction or reconstruction can not commence prior to receipt of the Department's approval of the application for approval of construction or reconstruction and/or approval of the Regulation 2 permit to construct application.
 - (iii) Additionally, the owner or operator of a new or reconstructed affected source may be required to obtain an approved construction permit under Regulation 2 of the State of Delaware "Regulations Governing the Control of Air Pollution", before commencing construction or reconstruction."
- (rr) Paragraph 63.345(b)(5), in its entirety, shall be replaced with the following language: "(5) Submittal timeframes. After September 11, 1999, whether or not an approved permit program is effective in the State in which an affected source is (or would be) located, an owner or operator of a new or reconstructed affected source shall submit the notification of construction or reconstruction required by paragraph (b)(1) of this section and/or the application for approval of construction or reconstruction required by Sec. 63.5 of subpart A according to the following schedule:
- (i) If construction or reconstruction commences after September 11, 1999, the notification and/or application shall be submitted as soon as practicable before the construction or reconstruction is planned to commence.
 - (ii) If the construction or reconstruction had commenced and initial startup had not occurred before September 11, 1999, the notification and/or application shall be submitted as soon as practicable after September 11, 1999."
- (ss) Paragraph 63.346(a) shall be replaced with the following language: "The owner or operator of each affected source subject to these standards shall fulfill all recordkeeping requirements outlined in this section and in subpart A of this regulation as identified in Table 1 of this subpart."
- (tt) Paragraph 63.346(b)(15) shall be replaced with the following language: "Any information demonstrating whether a source is meeting the requirements for a waiver of recordkeeping or reporting requirements, if the source has been granted a waiver under Sec. 63.10(f) of subpart A; and".
- (uu) Paragraph 63.346(b)(16) shall be replaced with the following language: "All documentation supporting the notifications and reports required by Sec. 63.9 and Sec. 63.10 of subpart A and Sec. 63.347 of this subpart."
- (vv) Paragraph 63.346(c) shall be replaced with the following language: "All records shall be maintained for a period of 5 years in accordance with Sec. 63.10(b)(1) of subpart A."

- (ww) Paragraph 63.347(a) shall be replaced with the following language: “The owner or operator of each affected source subject to these standards shall fulfill all reporting requirements outlined in this section and in subpart A of this regulation as identified in Table 1 of this subpart. These reports shall be mailed to the Administrator at the appropriate address as identified in Sec. 63.13 and to the Department, in accordance with 63.10(a)(4) of subpart A.”
- (xx) Paragraph 63.347(a)(1) shall be replaced with the following language: “Reports required by subpart A of this regulation and this section may be sent by U.S. mail, fax, or by another courier.”
- (yy) The opening of paragraph 63.347(c)(1) shall be replaced with the following language: “The owner or operator of an affected source that has an initial startup before September 11, 1999, shall notify the Department in writing that the source is subject to this subpart. The notification shall be submitted no later than September 11, 1999, and shall contain the following information:”.
- (zz) Paragraph 63.347(c)(1)(iii) shall be replaced with the following language: “A statement that subpart N of this regulation is the basis for this notification;”.
- (aaa) Paragraph 63.347(c)(1)(vi) shall be replaced with the following language: “For sources performing hard chromium electroplating, the maximum cumulative potential rectifier capacity;”.
- (bbb) Paragraph 63.347(c)(1)(vii) shall be replaced with the following language: “For sources performing hard chromium electroplating, a statement of whether the affected source(s) is located at a small or a large, hard chromium electroplating facility and whether this will be demonstrated through actual or maximum cumulative potential rectifier capacity;”.
- (ccc) Paragraph 63.347(c)(1)(viii) shall be replaced with the following language: “For sources performing hard chromium electroplating, a statement of whether the owner or operator of an affected source(s) will limit the maximum cumulative potential rectifier capacity in accordance with Sec. 63.342(c)(2) such that the hard chromium electroplating facility is considered small; and”.
- (ddd) Paragraph 63.347(c)(1)(ix) shall be replaced with the following language: “A statement of whether the affected source is located at a major source or an area source as defined in Sec. 63.2 of subpart A.”
- (eee) Paragraph 63.347(c)(2), in its entirety, shall be replaced with the following language: “(2) The owner or operator of a new or reconstructed affected source that has an initial startup after January 25, 1995 shall submit an initial notification, in addition to the notification of construction or reconstruction required by Sec. 63.345(b), as follows:
 - (i) A notification of the date when construction or reconstruction was commenced, shall be submitted simultaneously with the notification of

- construction or reconstruction, if construction or reconstruction was commenced before September 11, 1999;
- (ii) A notification of the date when construction or reconstruction was commenced, shall be submitted no later than 30 calendar days after such date, if construction or reconstruction was commenced after September 11, 1999; and
 - (iii) A notification of the actual date of startup of the source shall be submitted by September 11, 1999 or within 30 calendar days after startup, whichever is later.”
- (fff) Paragraph 63.347(d)(2) shall be replaced with the following language: “In the event the owner or operator is unable to conduct the performance test as scheduled, the provisions of Sec. 63.7(b)(2) of subpart A apply.”
- (ggg) The opening of paragraph 63.347(e)(2) shall be replaced with the following language: “If the State in which the source is located has not been delegated the authority to implement the rule, each time a notification of compliance status is required under this part, the owner or operator of an affected source shall submit to the Administrator (with copy to the Department) a notification of compliance status, signed by the responsible official (as defined in Sec. 63.2 of subpart A) who shall certify its accuracy, attesting to whether the affected source has complied with this subpart. If the State has been delegated the authority, the notification of compliance status shall be submitted to the Department. The notification shall list for each affected source:”.
- (hhh) Paragraph 63.347(e)(3) shall be replaced with the following language: “For sources required to conduct a performance test by Sec. 63.343(b), the notification of compliance status shall be submitted to the Department no later than 90 calendar days following completion of the compliance demonstration required by Sec. 63.7 of subpart A and Sec. 63.343(b) of this subpart.”
- (iii) Paragraph 63.347(e)(4) shall be replaced with the following language: “For sources that are not required to complete a performance test in accordance with Sec. 63.343(b), the notification of compliance status shall be submitted to the Department no later than 30 days after the compliance date specified in Sec. 63.343(a).”
- (jjj) Paragraph 63.347(f)(1) shall be replaced with the following language: “If the State in which the source is located has not been delegated the authority to implement the rule, the owner or operator of an affected source shall report to the Administrator (with copy to the Department) the results of any performance test conducted as required by Sec. 63.7 of subpart A or Sec. 63.343(b) of this subpart. If the State has been delegated the authority, the owner or operator of an affected source should report performance test results to the Department.”
- (kkk) Paragraph 63.347(g)(2)(i)(B) shall be replaced with the following language: “The owner or operator continues to comply with all applicable recordkeeping and monitoring requirements of subpart A of this regulation and this subpart; and”.

- (lll) The opening sentence of paragraph 63.347(h) shall be replaced with the following language: “The requirements of this paragraph do not alleviate affected area sources from complying with the requirements of Regulation 2 and 30 of the State of Delaware “Regulations Governing the Control of Air Pollution”.”
- (mmm) Paragraph 63.347(h)(3)(i)(B) shall be replaced with the following language: “The owner or operator continues to comply with all applicable recordkeeping and monitoring requirements of subpart A of this regulation and this subpart; and”.
- (nnn) The first sentence of paragraph 63.347(i) shall be replaced with the following language: “The requirements of this paragraph do not alleviate affected sources from complying with the requirements of Regulation 2 and 30 of the State of Delaware “Regulations Governing the Control of Air Pollution”.”
- (ooo) Paragraph 63.347(i)(1), in its entirety, shall be replaced with the following language: “ (1) Not later than September 11, 1999, submit an initial notification that includes:
 - (i) The same information as is required by paragraphs (c)(1)(i) through (v) of this section;
 - (ii) A statement that a trivalent chromium process that incorporates a wetting agent will be used to comply with Sec. 63.342(e); and
 - (iii) The list of bath components that comprise the trivalent chromium bath, with the wetting agent clearly identified.”
- (ppp) Paragraph 63.347(i)(2) shall be replaced with the following language: “Within 30 days of the compliance date specified in Sec. 63.343(a) or by September 11, 1999, whichever is later, a notification of compliance status that contains an update of the information submitted in accordance with paragraph (i)(1) of this section or a statement that the information is still accurate .”
- (qqq) Replace the title of table following Section 63.347 with the following title: “Table 1 of Subpart N of Regulation 38 -- Subpart A (General Provisions) Applicability to Subpart N”.
- (rrr) The following errata found in Table 1 of Subpart N as published in the Federal Register and the Code of Federal Regulations shall be corrected as follows:
 - (i) “Sec. 63.345(c)(5)” noted in comments for 63.5(d)(1)(i) shall be replaced with “Sec. 63.5(b)(5)”;
 - (ii) “Sec. 63.345(c)(5)” noted in comments for 63.5(f)(2) shall be replaced with “Sec. 63.5(b)(5)”;
 - (iii) “part A” noted in comments for 63.6(b)(1)-(2) shall be replaced with “subpart A”;
 - (iv) Reference to “63.6(i)(12)(ii)-(iii)” shall be replaced with “63.6(i)(12)(ii)-(iv)”;
 - (v) Reference to “63.8(c)(4)-(7)” shall be replaced with “63.8(c)(4)-(8)”.
- (sss) In Table 1 of Subpart N, delete any “Comment” and change the applicability from “Yes” to “No” for the following “General provision references”:
 - (i) “63.6(i)(2)”;

- (ii) “63.6(i)(5)”;
- (iii) “63.6(i)(6)(ii)”;
- (iv) “63.6(i)(10)(v)(B)”;
- (v) “63.6(i)(12)(i)”;
- (vi) “63.6(i)(12)(ii-iv)”.

(ttt) In Table 1 of Subpart N, delete the “Comment” for the “General provision reference”, “63.6(i)(4)(i)”.

(uuu) In Table 1 of Subpart N, replace the “Comment” with the following language: “This paragraph only references “paragraph (i)(4)(ii) of this section” for compliance extension provisions.” for the following “General provision references”:

- (i) “63.6(i)(6)(i)”;
- (ii) “63.6(i)(8)”;
- (iii) “63.6(i)(9)”;
- (iv) “63.6(i)(10)(v)(A)”.

Table N-1 of Subpart N – Exceptions to “Department” as a replacement of “Administrator” under Subpart N (a)		
Reference	“Administrator” means “Administrator”	Comment
63.342(f)(3)(i)(C)	Yes	As replaced
Table 342-1 to Sec. 63.342	Yes	
63.343(c)(8)(ii)	Yes	
63.343(d)	Yes	As replaced
63.344(c)(4)	Yes	
63.347(a)	Yes	As replaced
63.347(e)(2)	Yes	As replaced
63.347(f)(1)	Yes	As replaced
In Table 1 of Subpart N in comments for 63.8(f)(2)	Yes	