

AIR CURTAIN INCINERATOR GENERAL OPERATING PERMIT

- (a) Qualification Criteria. An air curtain incinerator (ACI) incinerators (ACIs) operates by forcefully projecting a curtain of air across an open chamber or pit in which combustion occurs. An incinerator of this type may be constructed above or below ground and with or without refractory walls or floor. that are (open, integrated combustion chamber (fire boxes)) or those that are open pit or trench (trench burners), whether permanent and temporary, located at a site. These types of ACIs may be authorized to operate under this general operating permit (GOP) provided that:
- (1) The ACIs is authorized by 30 Texas Administrative Code (TAC) § 106.496 (Air Curtain Incinerators). by any case-by-case New Source Review (NSR) permits under Title 30 Texas Administrative Code (30 TAC) Chapter 116 (Control of Air Pollution by Permits for New Construction or Modification) shall not be authorized under this GOP.
 - (2) At the time the owner or operator submits the application, of application submittal, each ACI located at the site shall be in compliance with the applicable requirements codified in this GOP.
 - (3) An ACI may only combust materials authorized under 30 TAC §106.496 the following: 100 percent wood waste, 100 percent clean lumber, or 100 percent mixture of only wood waste and/or clean lumber.
 - (4) The owner or operator of other units at the site shall apply for a federal operating permit if those units are subject to a state and federal regulation that requires a federal operating permit. Units other than ACIs at a site required to obtain a federal permit.
 - (5) Stationary Reciprocating Internal Combustion (SRIC) Engines authorized under this GOP are limited to less than 240 horsepower. For purposes of applicability to federal requirements, startup is considered when the ACI is fired for the first time, regardless of ownership.
 - (6) Nitrogen Oxide (NOx) emissions under this GOP are limited to 25 tons per year (TPY) for the Houston-Galveston-Brazoria Nonattainment Areas, 50 tpy for Dallas-Fort Worth-Beaumont-Port Arthur Nonattainment Areas, and 100 tpy for all other counties.
- (b) Terms and Conditions.
- (1) For purposes of applicability to federal requirements, startup is considered when the ACI is fired for the first time, regardless of ownership.
 - (2) The permit holder shall comply with the change of location and recordkeeping

~~requirements under 30 TAC §106.496. For ACIs that change location, the permit holder shall notify the TCEQ Regional Office(s) and local air pollution control agency(ies) having jurisdiction, and maintain records, including the dates at each location and serial numbers of each ACI.~~

~~(3)(2)~~ The permit holder shall comply with the requirements relating to GOPs which are contained in 30 TAC Chapter 122 (Federal Operating Permits Program).

~~(4)(3)~~ The permit holder shall comply with all terms and conditions relating to ~~GOPs~~:

(A) 30 TAC § 122.143 (General Terms and Conditions), including, but not limited to, ~~the following~~:

(i) ~~Complying~~ ~~Compliance with the permit does not relieve the permit holder of the obligation to comply~~ with any other applicable rules, regulations, or orders of the Texas Commission on Environmental Quality (TCEQ or commission), or ~~of the~~ United States Environmental Protection Agency (EPA).

(ii) ~~Complying with the authorization of the~~ ~~The authorization to operate under a~~ GOP ~~that~~ shall not exceed five years from the date the authorization was granted or renewed.

(iii) ~~Complying with~~ ~~Consistent with the authority in~~ the Texas Clean Air Act (TCAA), Texas Health and Safety Code, Chapter 382, Subchapter B (Powers and Duties of Commission), ~~which allows the permit holder shall allow~~ representatives from the commission or the local air pollution control agency(ies) ~~the having~~ jurisdiction to ~~do the following~~:

(a) Enter upon the permit holder's premises where an emission unit is located or emissions-related activity is conducted, or where records ~~shall must~~ be kept under the conditions of the permit;

(b) Access and copy any records that ~~shall must~~ be kept under the conditions of the permit;

(c) Inspect any emission unit, equipment, practices, or operations regulated or required under the permit; and

(d) Sample or monitor substances or parameters for the purpose of assuring compliance with the permit at any time.

(iv) ~~The permit holder shall comply with~~ All ~~all~~ terms and conditions codified in the permit. Any noncompliance with the terms or

conditions codified in the permit constitutes a violation of the Federal Clean Air Act (FCAA) and the TCAA and is grounds for enforcement action, permit termination, revocation, and reissuance, ~~or~~ modification, or denial of a permit renewal application. Noncompliance with the permit terms and conditions shall not be a defense in an enforcement action that would have halted or reduced the permitted activity. It shall not be a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to comply with the permit terms and conditions of the permit.

- (v) And In every case, the applicable requirements are always enforceable.
- (vi) Complying with the executive director (ED) authority to reopen, revise, or terminate the permit. The ED may enforce the permit terms. The permit may be reopened for cause and revised or terminated. Permit terms or conditions remain enforceable regardless of the following:
 - (a) The permit holder ~~the filing of~~ a request ~~by the permit holder~~ for a permit revision, reopening, or termination;
 - (b) The permit holder providing a notification of planned changes or anticipated noncompliance; or
 - (c) The ED providing a notice of intent ~~by the executive director~~ for a permit reopening or termination.
- (vii) Complying with the ED requests for ~~The executive director may request any~~ information necessary to determine compliance with the permit or to determine whether cause exists for revising, reopening, or terminating the permit. This includes copies of records required to be kept by the permit and information claimed to be confidential. All requested information shall be submitted. The permit holder shall submit the information no later than 60 days after the request, unless the deadline is extended by the ED executive director. Upon request, the permit holder shall also furnish to the executive director copies of records required to be kept by the permit, including information claimed to be confidential.
- (viii) Complying with paying the ~~The permit holder shall pay~~ fees to the commission consistent with the fee schedule in 30 TAC §101.27 (Emissions Fees).

~~(ix) A copy of the permit, the enforceable GOP application, and the authorization to operate (ATO), and all records required to be maintained by 30 TAC Chapter 122 shall be maintained at the location specified in the GOP application.~~

(ix) Complying with reports Any report or annual compliance certifications required by a permit to be submitted to the ED executive director shall contain a certification in accordance with 30 TAC § 122.165 (Certification by a Responsible Official).

(B) 30 TAC § 122.144 (Recordkeeping Terms and Conditions), including, but not limited to ~~the following~~:

(i) ~~The permit holder shall~~ Mmaintaining records of all required monitoring data and support information for a period of at least five years from the date of the monitoring sample, measurement, report, or application. If an applicable requirement specifies a longer data retention period, the records shall be maintained for at least the period of time specified in the applicable requirement. The monitoring records shall include, but are not limited to, ~~the following~~:

(a) ~~The the~~ date, location place as defined in the permit, and time of sampling measurements;

(b) ~~The the~~ date(s) analyses were performed;

(c) ~~The the~~ company or entity that performed the analyses;

(d) ~~The the~~ analytical techniques or methods used;

(e) ~~The the~~ results of such analyses;

(f) ~~The the~~ relevant operating conditions which are deemed necessary to characterize emission rates at the time of sampling or measurement;

(g) ~~The the~~ data from all calibration and maintenance records;

(h) ~~The all~~ strip-chart recordings for continuous monitoring instrumentation; and

(i) The copies of all reports required by the permit.

~~(ii) Records may be stored electronically.~~

~~(ii)(iii)~~ Maintaining a copy of the permit, the enforceable GOP application, the authorization to operate (ATO), and all records required by 30 TAC Chapter 122 at the location specified in the GOP application in either hard copy or electronic format.

~~All records required to be maintained by 30 TAC Chapter 122 shall be maintained at the location specified in the GOP application.~~

~~(iii)(iv)~~ Providing records Records required by the permit, including confidential information, ~~shall be provided,~~ upon request, in a legible form, to representatives from the commission or the local air pollution control agency(ies) having jurisdiction within a reasonable period of time.

~~(iv)(v)~~ Providing EPA Region 6 with required records and confidentiality claims when needed. ~~The EPA may require that the records be sent directly to the EPA along with any claim of confidentiality.~~ Any confidentiality claim should be made in accordance with federal law, including Title 40 Code of Federal Regulations (40 CFR) Part 2 (Public Information).

~~(v)(vi)~~ Permit holders shall Mmaintaining records of the duration of the stay at a temporary site ~~of any temporary source.~~

(C) 30 TAC § 122.145 (Reporting Terms and Conditions), including, but not limited to ~~the following~~:

(i) Monitoring reports.

(a) Submitting monitoring reports to the ED, if they are required or by the permit ~~Reports of monitoring data required to be submitted by an applicable requirement, or by the permit, shall be submitted to the executive director.~~

(b) Submitting Reports shall reports be submitted for at least each six-month period after permit issuance or at the frequency required by an applicable requirement ~~which requires more frequent reporting.~~

(c) Submitting The monitoring reports shall the monitoring reports be submitted no later than 30 days after the end of each reporting period.

(d) Following the applicable monitoring data collection requirements. ~~The reporting of monitoring data does not~~

~~change the data collection requirements specified in an applicable requirement.~~

- (ii) Deviation reports.
 - (a) ~~Submitting deviation reports, in writing, to the ED, including the probable cause. The permit holder shall report, in writing, to the executive director all instances of deviations, the probable cause of the deviations,~~ and any corrective actions or preventative measures taken for each emission unit addressed in the permit.
 - (b) ~~Submitting a deviation report A deviation report shall be submitted~~ for at least each six-month period after permit issuance or at the frequency required by an applicable requirement ~~which requires more frequent reporting. However, No~~ report is required if no deviations occurred over the six-month reporting period.
 - (c) ~~Submitting deviation reports The deviation reports shall be submitted~~ no later than 30 days after the end of each reporting period.

(D) 30 TAC § 122.146 (Compliance Certification Terms and Conditions), including, but not limited to ~~the following:~~

- (i) ~~The permit holder shall~~ Certifying compliance with the terms and conditions of the permit for at least each 12-month period following initial permit issuance.
- (ii) ~~The certification shall be submitted~~ Submitting the certification to the ~~ED executive director,~~ TCEQ Regional Office(s), and the EPA no later than 30 days after the end of the certification period.
- ~~(iii) The executive director shall make a copy of the compliance certification accessible to the EPA and local air pollution control agency(ies) having jurisdiction.~~
- ~~(iii)(iv)~~ Certifying. The certification shall be based on, at a minimum based on, but not limited to, the monitoring method (or recordkeeping method, if appropriate) required by the permit to be used to assess compliance.
- ~~(iv)(v)~~ Certifying annually: ~~The annual compliance certification shall include or reference the following information:~~

- (a) ~~The the~~ identification of each term or condition of the permit ~~being certified for which the permit holder is certifying compliance~~, the method used for determining the compliance status of each emission unit, and whether such method provides continuous or intermittent data;
- (b) ~~The emission units that were for emission units~~ addressed in the permit for which no deviations have occurred over the certification period, ~~by including~~ a statement that the emission units were in continuous compliance over the certification period;
- (c) ~~The for any~~ emission units ~~that were~~ addressed in the permit ~~that had for which~~ one or more deviations ~~occurring occurred~~ over the certification period, ~~the following information~~ indicating the potentially intermittent compliance status of the emission unit. ~~The permit holder shall provide:~~
 - (1) ~~The the~~ identification of the emission unit;
 - (2) ~~The the~~ applicable requirement for which a deviation occurred;
 - (3) ~~The the~~ monitoring method (or recordkeeping method, if appropriate) used to assess compliance;
 - (4) ~~The the~~ frequency with which sampling, monitoring, or recordkeeping was required to be conducted by the monitoring or recordkeeping requirement of the permit; and
 - (5) ~~The the~~ total number of times that ~~the deviation occurred according to~~ the assessment required by the monitoring or recordkeeping method specified in the permit ~~indicated that a deviation had occurred~~.
- (d) ~~The the~~ identification of all other terms and conditions of the permit for which compliance was not achieved.

~~(v)(vi) Providing the The ED executive director may request~~ additional information, if necessary, to determine the compliance status of an emission unit.

~~(5)(4) The permit holder can choose to demonstrate that the ATO is no longer required by submitting a written request to the TCEQ to void the ATO. If the holder of an ATO under this GOP chooses to demonstrate that the ATO is no longer required, a written~~

~~request to void the ATO shall be submitted~~ The request shall be sent to the TCEQ by the Responsible Official (RO) in accordance with 30 TAC § 122.161(e) ~~(Miscellaneous)~~. The permit holder ~~of the ATO~~ shall comply with the permit's requirements, including compliance certification and deviation reporting, until notified by the TCEQ that the ATO is voided.

~~(6)(5)~~ The permit holder shall forward all ~~all~~ reports required by this permit shall be forwarded to the TCEQ central office and the appropriate TCEQ regional office(s) ~~for the site~~. ~~For reports submitted,~~ The permit holder shall include a cover letter in the report which identifies ~~the following information~~:

~~(A)~~ Company name; company name; primary TCEQ

~~(B)~~ Regulated ~~regulated~~ entity number; and Air Permits Division

~~(C)~~ GOP ATO permit number.

~~(7)(6)~~ The permit holder shall certify compliance with all permit terms and conditions using, at a minimum but not limited to:

~~(A)~~ The ~~the~~ continuous or intermittent compliance method data from monitoring, recordkeeping, reporting, or testing required by the permit; and

~~(B)~~ Any ~~any~~ other credible evidence or information.

~~(8)~~ The permit holder shall certify compliance over a ~~The certification~~ period ~~that~~ may not exceed 12 months.

~~(9)~~ The permit holder shall submit ~~and~~ the certification of compliance must be submitted within 30 days after the end of the period being certified.

~~(10)(7)~~ The permit holder shall maintain a copy of this permit and records required related to requirements listed in this permit at the location specified in the GOP application.

~~(11)(8)~~ The permit holder shall comply with ATO revision requirements: ~~Revisions to an ATO; shall comply with the following requirements:~~

(A) 30 TAC § 122.503 (Application Revisions for Changes at a Site), including, but not limited to ~~For~~ new applicable requirements affecting units authorized to operate under this GOP, as a result of changes at the site, ~~the permit holder shall comply with 30 TAC § 122.503 (Application Revisions for Changes at a Site).~~

(B) 30 TAC § 122.504 (Application Revisions When an Applicable Requirement or State-Only Requirement is Promulgated or Adopted or a General Operating Permit is Revised or Rescinded), including, but not limited to ~~For~~

other changes in applicability determinations or bases for the determinations affecting units authorized to operate under this GOP, ~~the permit holder shall comply with 30 TAC § 122.504 (Application Revisions When an Applicable Requirement or State-Only Requirement is Promulgated or Adopted or a General Operating Permit is Revised or Rescinded).~~

~~(12)(9)~~ The following requirements concerning NSR authorizations shall apply. The permit holder shall comply with NSR authorization requirements:

(A) ~~The permit holder shall comply with~~ 30 TAC Chapter 116 (Control of Air Pollution by Permits for New Construction or Modification) by obtaining a NSR authorization prior to ~~startup new construction~~ or modification of the ACI;

(B) ~~The permit holder shall comply with the requirements of NSR authorizations claimed by the permit holder for the ACI. The permit holder may only be authorized under a~~ The applicable authorized permit by rule (PBR) or historical standard exemption including, but not limited to:

~~(C)~~ The permit holder shall comply with the ~~The PBR requirements following requirements of PBRs, as applicable:~~

(i) 30 TAC § 106.4 (Requirements for Permitting by Rule);

(ii) 30 TAC § 106.8 (Recordkeeping); and

(iii) 30 TAC § 106.13 (References to Standard Exemptions and Exemptions from Permitting).

~~(C)(D)~~ The permit holder shall comply with the requirements of 30 TAC § 106.496 (Air Curtain Incinerators), including previous versions, like standard exemptions and exemptions from permitting, as applicable.

~~(13)(10)~~ The permit holder shall comply with ~~For~~ visible emissions requirements specified in 30 TAC Chapter 111 (Control of Air Pollution from Visible Emissions and Particulate Matter), during operation the permit holder shall comply with the following requirements during times of operation:

(A) ~~Visible emissions shall not be permitted to exceed an opacity of 30 percent for any six-minute period as specified in~~ 30 TAC § 111.111(a)(8)(A) (Requirements for Specified Sources), not permitting visible emissions to exceed an opacity of 30 percent for any six-minute period and by applying the test methods that determine compliance more than 180 days after initial startup. Compliance shall be determined by applying the following test methods, as appropriate:

- (i) Test Method 9 (40 CFR 60, Appendix A); or
 - (ii) Method method described in (B) of this subsection.
- (B) Complying with periodic monitoring requirements for the purpose of annual compliance certification under 30 TAC § 122.146 (Compliance Certification Terms and Conditions) for ~~For~~ a source subject to 30 TAC § 111.111(a)(8)(A), complying with 30 TAC § 111.111(a)(8)(B)(i) or (ii), and capable of producing visible emissions from, but not limited to, particulate matter, acid gases and nitrogen oxides, ~~the permit holder shall also comply with the following periodic monitoring requirements for the purpose of annual compliance certification under 30 TAC § 122.146. The permit holder shall:~~
- (i) ~~Observe An observation of~~ visible emissions from a source which is required to comply with 30 TAC § 111.111(a)(8)(A) ~~shall be conducted~~ at least once during each calendar quarter unless the source is not in operation during any portion of the entire quarter.
 - (ii) Maintain records ~~Records~~ of all observations ~~shall be maintained~~.
 - (iii) Conduct visible ~~Visible~~ emissions observations:
 - (a) ~~During of sources operated during~~ daylight hours, ~~shall be conducted~~ no earlier than one hour after sunrise and no later than one hour before sunset.
 - (b) ~~With Visible emissions shall be determined with~~ each source in clear view of the observer.
 - (c) ~~With the The~~ observer ~~shall be~~ at least 15 feet, but not more than 1,320 feet, away from each source during the observation.
 - (d) ~~That do not place For outdoor locations,~~ the observer ~~in shall select~~ a position where the sun is ~~not~~ directly in the observer's eyes.
 - (e) ~~When condensed water vapor is present within the plume, as it emerges from the emissions outlet, make~~ observations ~~must be made~~ beyond the point in the plume ~~where at which~~ condensed water vapor is no longer visible.
 - (f) ~~Make observations at the outlet prior to condensation of water vapor when~~ When water vapor within the plume condenses and becomes visible at a distance from the emissions outlet;

~~the observation shall be evaluated at the outlet prior to condensation of water vapor.~~

~~(g) A certified opacity reader is not required for visible emissions observations for this requirement.~~

(C) Compliance Certification:

~~(i) The RO shall certify that the source is in compliance with the applicable opacity requirement in 30 TAC § 111.111(a)(8) and (a)(8)(A) if visible emissions are not present during the observation. If visible emissions are not present during the observation, the RO may certify that the source is in compliance with the applicable opacity requirement in 30 TAC § 111.111(a)(8) and (a)(8)(A).~~

~~(ii) Listing an occurrence as a deviation on the next deviation report as required under 30 TAC § 122.145(2) or conducting the appropriate opacity test specified in 30 TAC § 111.111(a)(8)(B) to determine if the source is in compliance with the opacity requirements.~~

~~(iii) The RO shall certify that the source is in compliance with the applicable opacity requirement if an opacity test is performed and the source is determined to be in compliance.~~

~~(iv) Listing an occurrence as a deviation on the next deviation report as required under 30 TAC § 122.145(2) if an opacity test is performed and the source is determined to be out of compliance.~~

~~(v) The opacity test shall be performed by a certified opacity reader. However, if visible emissions are present during the observation, the permit holder shall either list this occurrence as a deviation on the next deviation report as required under 30 TAC § 122.145(2) or conduct the appropriate opacity test specified in 30 TAC § 111.111(a)(8)(B) to determine if the source is in compliance with the opacity requirements. If an opacity test is performed and the source is determined to be in compliance, the RO may certify that the source is in compliance with the applicable opacity requirement. However, if an opacity test is performed and the source is determined to be out of compliance, the permit holder shall list this occurrence as a deviation on the next deviation report as required under 30 TAC § 122.145(2). The opacity test must be performed by a certified opacity reader.~~

(D) Opacity readers shall certify opacities under Test Method 9 (as outlined in 40 CFR Part 60, Appendix A) to comply with opacity monitoring requirements. In order to become an opacity reader, one must complete the Visible

~~Emissions Evaluators Course, or approved agency equivalent, no more than 180 days before the opacity reading. Permit holders shall maintain records or the certification at the ACI site. Certification of opacity readers determining opacities under Test Method 9 (as outlined in 40 CFR Part 60, Appendix A) to comply with opacity monitoring requirements shall be accomplished by completing the Visible Emissions Evaluators Course, or approved agency equivalent, no more than 180 days before the opacity reading. Records of the certification must be maintained at the site of the ACI.~~

~~(14)(11)~~ The permit holder shall comply with requirements of ~~For any unit subject to~~ any subpart of 40 CFR Part 60 (Standards of Performance for New Stationary Sources), ~~the permit holder shall comply with the following requirements~~ unless otherwise stated in ~~another~~ the applicable subpart:

(A) ~~40 CFR § 60.7 (Notification and Recordkeeping). Any owner or operator subject to the provisions of 40 CFR § 60.7 (Notification and Recordkeeping) including, but not limited to furnishing this part shall furnish~~ the TCEQ written ~~notification or, if acceptable to both the TCEQ and the owner or operator of a source, or~~ electronic notification ~~of, as follows:~~

(i) ~~The A-notification of the~~ date construction (or reconstruction as defined under 40 CFR § 60.15 (Reconstruction)) of an ACI affected facility is commenced. ~~This notification shall~~ must be postmarked no later than 30 days after construction or reconstruction such date. ~~This requirement shall not apply in the case of mass-produced facilities which are purchased in completed form.~~

(ii) ~~The A-notification of the~~ actual date of initial startup of an ACI affected facility postmarked within 15 days after initial startup such date.

(iii) ~~The A-notification of the~~ anticipated date for conducting the opacity observations required by 40 CFR § 60.11(e)(1) (Compliance with Standards and Maintenance Requirements). ~~The notification shall also include, if appropriate, a request for the TCEQ to provide a visible emissions reader during a performance test.~~ The notification shall be postmarked not less than 30 days prior to such date.

(B) 40 CFR § 60.8 (Performance Tests), including, but not limited to ~~the following:~~

(i) Conducting performance test(s) and furnishing the TCEQ a written report of the results within ~~Within~~ 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup ~~of such~~

~~facility~~ and at such other times as may be required by the TCEQ under the FCAA, Chapter § 114, ~~the owner or operator of such facility shall conduct performance test(s) and furnish the TCEQ a written report of the results of such performance test(s).~~

- (ii) Conducting performance tests ~~Performance tests shall be conducted~~ under such conditions as the TCEQ shall specify to the plant operator based on representative performance of the affected facility. The owner or operator shall make available to the TCEQ such records as may be necessary to determine the conditions of the performance tests.
- (iii) Providing ~~The owner or operator of an affected facility shall provide~~ the TCEQ at least 30 days prior notice of any performance test, except as specified under other subparts, to afford the TCEQ the opportunity to have an observer present. If after 30 days notice for an initially scheduled performance test, there is a delay (due to operational problems, etc.) in conducting the scheduled performance test, the owner or operator of an affected facility shall notify the TCEQ as soon as possible of any delay in the original test date, either by providing at least seven days prior notice of the rescheduled date of the performance test, or by arranging a rescheduled date with the TCEQ by mutual agreement.

(C) 40 CFR § 60.11 (Compliance with Standards and Maintenance Requirements), including, but not limited to ~~the following~~:

- (i) Determining compliance ~~Compliance~~ with standards in this paragraph, other than opacity standards, ~~shall be determined~~ in accordance with performance tests established by 40 CFR § 60.8, unless otherwise specified in the applicable standard.
- (ii) Determining compliance ~~Compliance~~ with opacity standards in this paragraph ~~shall be determined~~ by conducting observations in accordance with Test Method 9 in 40 CFR Part 60, Appendix A. For purposes of determining initial compliance, the minimum total time of observations shall be three hours (30 six-minute averages) for the performance test or other set of observations.
- (iii) Applying all ~~The~~ opacity standards set forth ~~shall apply~~ at all times except as otherwise provided in the applicable standard.
- (iv) Maintaining and operating at ~~At~~ all times, including periods of startup, shutdown, and malfunction, ~~owners and operators shall~~, to the extent practicable, ~~maintain and operate~~ any ACI affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and

maintenance procedures are being used will be based on information available to the TCEQ and local air pollution control agency(ies) having jurisdiction which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(v) ~~Conducting opacity observations concurrently with the initial performance test required in 40 CFR § 60.8 in order to demonstrate initial compliance unless: For the purpose of demonstrating initial compliance, opacity observations shall be conducted concurrently with the initial performance test required in 40 CFR § 60.8 unless one of the following conditions apply.~~

~~(a) No~~ If no performance test under 40 CFR § 60.8 is required, ~~then opacity~~ Opacity observations shall be conducted within 60 days after achieving the maximum production rate at which the affected facility will be operated but no later than 180 days after initial startup of the facility; or

~~(b) Visibility~~ If visibility or other conditions prevent the opacity observations from being conducted concurrently with the initial performance test required under 40 CFR § 60.8. ~~The;~~ the source owner or operator shall reschedule the opacity observations as soon after the initial performance test as possible, but not later than 30 days thereafter, and shall advise the TCEQ of the rescheduled date. In these cases;

~~(1) The TCEQ shall waive~~ the 30-day prior notification ~~to the TCEQ~~ required in 40 CFR § 60.7(a)(6) ~~shall be waived.~~

~~(2) The owner or operator shall conduct~~ rescheduled opacity observations ~~shall be conducted~~ (to the extent possible) under the same operating conditions that existed during the initial performance test conducted under 40 CFR § 60.8.

~~(3) The visible emissions observer shall determine~~ whether visibility or other conditions prevent the opacity observations from being made concurrently with the initial performance test in accordance with procedures contained in Test Method 9 of 40 CFR Part 60, Appendix B.

~~(4) The owner or operator shall not use opacity~~ Opacity readings of portions of plumes which contain condensed, uncombined water vapor ~~shall not be used~~

for purposes of determining compliance with opacity standards.

- ~~(5)~~ The owner or operator of an ACI affected facility shall make available, upon request, by the TCEQ and local air pollution control agency(ies) having jurisdiction, such records as may be necessary to determine the conditions under which the visual observations were made and shall provide evidence indicating proof of current visible observer emission certification.
- (vi) Optionally requesting the TCEQ to determine and record the opacity of emissions from the ACI during the initial performance test and at such times as may be required. The owner and operator of the ACI shall report the opacity results. Any requests to the TCEQ to determine and to record the opacity of emissions from an ACIT shall be included in the notification required in 40 CFR § 60.7(a)(6). If the TCEQ cannot determine and record the opacity of emissions from the ACI during the performance tests, then the provisions of 40 CFR § 60.11(e)(1) shall apply.
- ~~(vii)~~ Except as provided in ~~(vi)(vii)~~ of this paragraph, conducting the owner or operator of an affected facility to which an opacity standard in 40 CFR Part 60 applies shall conduct opacity observations in accordance with (ii) of this paragraph section, recording shall record the opacity of emissions, and reporting shall report to the TCEQ the opacity results along with the results of the initial performance test required under 40 CFR § 60.8 to the TCEQ. The inability of an owner or operator to secure a visible emissions observer shall not be considered a reason for not conducting the opacity observations concurrent with initial performance test.
- ~~(vii)~~ The owner or operator of an affected facility to which an opacity standard in this part applies may request the TCEQ to determine and to record the opacity of emissions from the affected facility during the initial performance test and at such times as may be required. The owner or operator of the affected facility shall report the opacity results. Any request to the TCEQ to determine and to record the opacity of emissions from an affected facility shall be included in the notification required in 40 CFR § 60.7(a)(6). If, for some reason, the TCEQ cannot determine and record the opacity of emissions from the affected facility during the performance test, then the provisions of 40 CFR § 60.11 (e)(1) shall apply.
- (viii) Allowing the TCEQ to use, inclusively or exclusively, For the purpose of submitting compliance certifications or establishing whether or not a person has violated or is in violation of any standard

~~in 40 CFR Part 60, nothing in 40 CFR Part 60 shall preclude the use, including the exclusive use, of~~ any credible evidence or information, relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test or procedure had been performed.

- (D) ~~40 CFR § 60.12 (Circumvention).~~ No ~~permit holder owner or operator~~ subject to ~~the provisions of 40 CFR § 60.12 (Circumvention) 40 CFR Part 60~~ shall build, erect, install, or use any article, machine, equipment or process, ~~to conceal the use of which conceals~~ an emission which would otherwise constitute a violation of an applicable standard. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance with an opacity standard or with a standard which is based on the concentration of a pollutant in the gases discharged to the atmosphere.
- (E) 40 CFR § 60.13 (Monitoring Requirements).
- (F) 40 CFR § 60.14 (Modification).
- (G) 40 CFR § 60.15 (Reconstruction).
- (H) 40 CFR § 60.19 (General Notification and Reporting Requirements), including, but not limited to ~~the following:~~
- (i) ~~Measuring time For the purposes of 40 CFR Part 60, time~~ periods specified ~~in days shall be measured~~ in calendar days, even if the word “calendar” is absent, unless otherwise specified in an applicable requirement.
 - (ii) ~~Postmarking the submittal on or before the number of days specified in the applicable requirement if the applicable requirement does not specify an~~ ~~For the purposes of 40 CFR Part 60, if an~~ explicit postmark deadline ~~is not specified in an applicable requirement~~ for the submittal of a notification, application, report, or other written communication to the TCEQ, ~~the owner or operator shall postmark the submittal on or before the number of days specified in the applicable requirement.~~
 - (iii) ~~Submitting If an owner or operator of an affected facility is required to submit~~ periodic reports ~~using a~~ ~~under 40 CFR Part 60 to the TCEQ, and if the TCEQ-established~~ ~~has an established~~ timeline.
 - (iv) ~~Submitting an alternate schedule for submitting periodic reports that does not change the frequency of reporting. Regarding alternate schedules, the permit holder shall: for the submission of periodic reports that is consistent with the reporting frequency(ies) specified~~

~~for such facility under 40 CFR Part 60, the owner or operator may change the dates by which periodic reports under 40 CFR Part 60 shall be submitted (without changing the frequency of reporting) to~~

- ~~(a) Not create an alternate schedule until one year after the ACI is required to be in compliance with the applicable subpart in 40 CFR Part 60.~~
- ~~(b) Request the adjustment in writing as soon as practicable before the ACI is used. The permit holder shall include whatever information is useful in explaining why an adjustment is warranted.~~
- ~~(c) Create an alternate schedule that is ~~be~~ consistent with the TCEQ's schedule by mutual agreement between the permit holder ~~owner or operator~~ and the TCEQ.~~
- ~~(d) Wait for TCEQ written notification of approval or disapproval of the request for schedule adjustment. Regarding the notification of adjustment approval or disapproval:
 - ~~(1) The TCEQ shall send this notification within 15 calendar days of receiving sufficient information to evaluate the request.~~
 - ~~(2) If the TCEQ is unable to meet a specified deadline, the permit holder will be notified of any significant delay and inform the permit holder of the amended schedule.~~
 - ~~(3) Until the adjustment approval notification is received, the permit holder shall remain strictly subject to the requirements of 40 CFR Part 60.~~~~
- ~~(e) Request an adjustment each time the permit holder wishes to make a change in the applicable time period or postmark deadline specified in 40 CFR Part 60. The allowance in the previous sentence applies beginning 1 year after the affected facility is required to be in compliance with the applicable subpart in 40 CFR Part 60. Procedures governing the implementation of this provision are specified in (vi) of this paragraph.~~
- ~~(iv) — Until an adjustment of a time period or postmark deadline has been approved by the TCEQ under (vi) and (vii) of this paragraph, the owner or operator of an affected facility remains strictly subject to the requirements of 40 CFR Part 60.~~

- ~~(v) — An owner or operator shall request the adjustment provided for in (vi) and (vii) of this paragraph each time he or she wishes to change an applicable time period or postmark deadline specified in 40 CFR Part 60.~~
- ~~(vi) — Notwithstanding time periods or postmark deadlines specified in this part for the submittal of information to the TCEQ by an owner or operator, or the review of such information by the TCEQ, such time periods or deadlines may be changed by mutual agreement between the owner or operator and the TCEQ. An owner or operator who wishes to request a change in a time period or postmark deadline for a particular requirement shall request the adjustment in writing as soon as practicable before the subject activity is required to take place. The owner or operator shall include in the request whatever information he or she considers useful to convince the TCEQ that an adjustment is warranted.~~
- ~~(vii) — If, in the TCEQ's judgment, an owner or operator's request for an adjustment to a particular time period or postmark deadline is warranted, the TCEQ will approve the adjustment. The TCEQ will notify the owner or operator in writing of approval or disapproval of the request for an adjustment within 15 calendar days of receiving sufficient information to evaluate the request.~~
- ~~(viii) — If the TCEQ is unable to meet a specified deadline, he or she will notify the owner or operator of any significant delay and inform the owner or operator of the amended schedule.~~

~~(15)(12)~~ Permit holders with For ACIs If the ACI is a major source, as defined in 30 TAC Chapter 122, and is subject to 40 CFR Part 60, Subpart CCCC (Standards of Performance for Commercial and Industrial Solid Waste Incineration Units for Which Construction is Commenced After November 30, 1999 or for Which Modification or Reconstruction is Commenced on or After June 1, 2001), ~~the permit holder~~ shall comply with ~~the following requirements~~:

- (A) 40 CFR § 60.2250 ~~for~~ emission limitations ~~as follows~~:
 - (i) Within 60 days after the ACI reaches the charge rate at which it will operate, but no later than 180 days after its initial startup, meeting the ACI must meet the following limitations:
 - (a) ~~An The~~ opacity limitation ~~of is~~ 10 percent (six-minute average) during operation; and
 - (b) ~~An The~~ opacity limitation ~~of is~~ 35 percent (six-minute average) during the startup period that is within the first 30

minutes of operation during the initial opacity test and annual performance test.

- (ii) Except during malfunctions, the requirements of this subsection apply at all times, and each malfunction ~~shall must~~ not exceed 3 hours. The EPA defines malfunction as any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner. Failures that are caused in part by poor maintenance or careless operation are not malfunctions.
- (B) 40 CFR § 60.2255 for monitoring requirements ~~as follows~~:
- (i) ~~Using Use~~—Test Method 9 (40 CFR Part 60, Appendix A) to determine compliance with the opacity limitation.
 - (ii) ~~Conducting Conduct~~ an initial test for opacity as specified in 40 CFR § 60.8.
 - (iii) ~~Conducting After the initial test for opacity, conduct~~ annual tests no more than 12 calendar months following the date of the previous test.
- (C) 40 CFR § 60.2260 for recordkeeping and ~~reporting monitoring~~ requirements; ~~the permit holder shall do the following~~:
- (i) ~~Submitting (prior Prior to startup) commencing construction on the ACI, submit the following~~:
 - (a) Notification of intent to ~~startup construct~~ the ACI.
 - (b) Planned initial startup date.
 - (c) ~~Records of the types Types~~ of materials to be burned in the ACI.
 - (ii) ~~Keeping Keep~~ records of results of all initial and annual opacity tests ~~at the location specified in the GOP application onsite~~ in either paper copy or electronic format, unless the TCEQ approves another format, for at least five years.
 - (iii) ~~Making Make~~ all records available for submittal to the TCEQ and local air pollution control agency(ies) having jurisdiction or for an inspector's onsite review.
 - (iv) ~~Submitting~~ the results (each six-minute average) of the initial opacity tests no later than 60 days following the initial test ~~and. Submit~~ annual opacity test results within 12 months following the previous report.

- (v) Submitting initial and annual opacity test reports as electronic or paper copy on or before the applicable submittal date.
- (vi) Keeping a copy of the initial and annual reports for a period of five years.

~~(16)~~(13) Permit holders with ~~For~~ ACIs subject to 40 CFR Part 60, Subpart EEEE (Standards of Performance for Other Solid Waste Incineration Units for Which Construction is Commenced After December 9, 2004, or for Which Modification or Reconstruction is Commenced on or After June 16, 2006) ~~the permit holder~~ shall comply with the following requirements:

(A) 40 CFR § 60.2971~~(a), (a)(1), (a)(2) and (b)~~, for emission limitations as follows:

~~(i)~~ Within 60 days after the ACI reaches the charge rate that at which it will operate at, but no later than 180 days after its initial startup, except during malfunctions not to exceed three hours. ~~The~~ permit holder shall follow opacity limitations of ~~comply with the following~~ limitations:

- (a) ~~The opacity limitation is~~ 10 percent (six-minute average) during operation; and
- (b) ~~The opacity limitation is~~ 35 percent (six-minute average) during the startup period that is within the first 30 minutes of operation during the initial opacity test and annual performance test.

~~(ii) — The limitations of this apply at all times except during malfunctions.~~

(B) 40 CFR § 60.2972~~(a), (b), (c) and (d)~~, for monitoring requirements as follows:

- (i) Using ~~Use~~ Test Method 9 (40 CFR Part 60, Appendix A) to determine compliance with the opacity limitation.
- (ii) Conducting ~~Conduct~~ an initial test for opacity as specified in 40 CFR § 60.8.
- (iii) After the initial test for opacity, conducting annual tests no more than 12 months following the date of the previous test.
- (iv) Conducting a test for opacity upon startup of the unit if ~~If~~ the ACI has been out of operation for more than 12 months following the date of the previous test, ~~then the permit holder shall conduct a test for~~

~~opacity upon startup of the unit.~~

- (C) 40 CFR § 60.2973(b), (c) and (f), for recordkeeping requirements ~~as follows:~~
- (i) Keeping records of results of all initial and annual opacity tests at the location specified in the GOP application onsite in either paper copy or computer-readable format that can be printed upon request, unless the TCEQ approves another format, for at least five years.
 - (ii) ~~Making Make~~ all records available for submittal to the TCEQ and local air pollution control agency(ies) having jurisdiction or for an inspector's review.
 - (iii) Keeping a copy of the initial and annual reports for a period of five years.
- (D) 40 CFR § 60.2973(a)(1) - (3), (d) and (e), for reporting requirements ~~as follows:~~
- (i) Prior to ~~startup commencing construction~~ of the ACI, ~~submitting submit the following:~~
 - (a) Notification of intent to ~~startup construct~~ the ACI.
 - (b) A record of the planned ~~Planned~~ initial startup date.
 - (c) A record of the types ~~Types~~ of materials to be burned in the ACI.
 - (ii) ~~Submitting Submit~~ the results (each six-minute average) of the initial opacity tests no later than 60 days following the initial test ~~and Submit~~ annual opacity test results within 12 months following the previous report.
 - (iii) ~~Submitting~~ initial and annual opacity test reports as electronic or paper copy on or before the applicable submittal date.

~~(17)(14)~~ Permit holders with For ACIs subject to 30 TAC Chapter 113, Subchapter D, Division 4 (Emission Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units That Commenced Construction On or Before November 30, 1999) that commenced construction on or before November 30, 1999, the permit holder shall comply with the following requirements:

- (A) ~~40 CFR § 62.14815(a), (a)(1), (a)(2) and (b) 30 TAC § 113.2258(a), (a)(1), (a)(2) and (b),~~ for emission limitations ~~as follows:~~

~~(i) After the date the initial stack test is required or completed (whichever is earlier) After the date the initial test for opacity is required or completed (whichever is earlier), except during malfunctions not to exceed three hours, meeting the permit holder shall meet opacity the following~~ limitations of:

(a) ~~The opacity limitation is~~ 10 percent (six-minute average) during operation; and

(b) ~~The opacity limitation is~~ 35 percent (six-minute average) during the startup period that is within the first 30 minutes of operation ~~during the initial opacity test and annual performance tests.~~

~~(ii) Except during malfunctions, these requirements in (14) apply at all times, and each malfunction must not exceed three hours.~~

(B) ~~30 TAC § 113.2259(a), (b) and (c) 40 CFR § 62.14820(a), (b) and (e),~~ for monitoring requirements ~~as follows:~~

(i) ~~Using Use~~ Test Method 9 (40 CFR Part 60, Appendix A) to determine compliance with the opacity limitation.

(ii) ~~Conducting~~ an initial test for opacity as specified in 40 CFR § 60.8 ~~no later than January 2, 2005.~~

(iii) After the initial test for opacity, conduct annual tests no more than 12 calendar months following the date of the previous test.

(C) ~~30 TAC § 113.2260(a), (b) and (e) 40 CFR § 62.14825(a), (b) and (e),~~ for recordkeeping requirements ~~as follows:~~

(i) ~~Keeping~~ records of results of all initial and annual opacity tests ~~at the location specified in the GOP application onsite~~ in either paper copy or electronic format, unless the ~~ED TCEQ~~ approves another format, for at least five years.

(ii) ~~Making Make~~ all records available for submittal to the TCEQ and local air pollution control agency(ies) having jurisdiction or for an inspector's onsite review.

(iii) ~~Submitting~~ initial and annual opacity test reports as electronic or paper copy on or before the applicable submittal date and ~~keeping~~ a copy onsite for a period of five years.

~~(D) 30 TAC § 113.2260(c), (d) and (e) 40 CFR § 62.14825(e), (d) and (e),~~ for reporting requirements ~~as follows:~~

- (i) Submitting an initial report no later than 60 days following the initial opacity test that includes ~~the following information~~:
 - (a) A record of the ~~The~~ types of materials to be burned in the ACI; and
 - (b) The results (each six-minute average) of the initial opacity tests.
- (ii) Submitting annual opacity test results within 12 months following the previous report.
- (iii) Submitting initial and annual opacity test reports as electronic or paper copy on or before the applicable submittal date and keeping a copy onsite for a period of five years.

(18) Permit holders with ACIs subject to 30 TAC Chapter 113, Subchapter D, Division 5 (Emission Guidelines and Compliance Times for Other Solid Waste Incineration Units That Commenced Construction On or Before December 9, 2004), shall comply with:

(A) 30 TAC § 113.2352(a), (a)(1), (a)(2) and (b), for emission limitations:

Within 180 days after the final compliance date found in Table 1 of §113.2357, except during malfunctions not to exceed three hours, meeting opacity limitations of:

- (a) 10 percent (six-minute average) during operation; and
- (b) 35 percent (six-minute average) during the startup period that is within the first 30 minutes of operation.

(B) 30 TAC § 113.2353(a), (b), (c) and (d), for monitoring requirements:

- (i) Using Test Method 9 (40 CFR Part 60, Appendix A) to determine compliance with the opacity limitation.
- (ii) Conducting an initial test for opacity as specified in 40 CFR § 60.8 within 180 days after the final compliance date found in Table 1 in §113.2357.
- (iii) Conducting annual tests no more than 12 months following the date of the previous test.
- (iv) Conducting a test for opacity upon startup of the unit if the ACI has been out of operation for more than 12 months following the date of the previous test.

(C) 30 TAC § 113.2354(a), (b) and (e), for recordkeeping requirements:

- (i) Keeping records of results of all initial and annual opacity tests onsite in either paper copy or computer-readable format that can be printed upon request, unless the ED approves another format, for at least five years. Each record shall be kept at the location specified in the GOP application for at least two years. The permit holder may keep the records off site for the remaining three years.
- (ii) Making all records available for submittal to the ED or for an inspector's review.
- (iii) Keeping a copy of the initial and annual reports for a period of five years, and keeping each report at the location specified in the GOP application for at least two years. The permit holder may keep the reports off site for the remaining three years

(D) 30 TAC § 113.22354(c), (d) and (e), for reporting requirements:

- (i) Submitting the results (each 6-minute average) of the initial opacity tests no later than 60 days following the initial test. The permit holder shall submit annual opacity test results within 12 months following the previous report.
- (ii) Submitting initial and annual opacity tests reports as electronic or paper copy on or before the applicable submittal date.
- (iii) Keeping a copy of the initial and annual reports for a period of five years. The permit holder shall keep each report at the location specified in the GOP application for at least two years. The permit holder may keep the reports off site for the remaining three years.

(19)(15) The permit holder shall comply with ~~the following sections of~~ 30 TAC Chapter 101 (General Air Quality Rules):

- (A) 30 TAC § 101.1 (Definitions), for defining insofar as the terms defined in 30 TAC § 101.1 are used to define the terms used in other applicable requirements.
- (B) 30 TAC § 101.3 (Circumvention), for avoidance of permit holder circumvention of the regulations:-
 - (i) No person shall use any plan, activity, device or contrivance which the ED ~~executive director~~ determines will, without resulting in an actual reduction of air contaminants, conceal or appear to minimize

the effects of an emission which would otherwise constitute a violation of the TCAA or regulations.

(ii) Air introduced for dilution purposes only is considered a circumvention of the regulations.

- (C) 30 TAC § 101.10 (Emissions Inventory Requirements).
- (D) 30 TAC § 101.201 (Emissions Event Reporting and Recordkeeping Requirements).
- (E) 30 TAC § 101.211 (Scheduled Maintenance, Startup, and Shutdown Reporting and Recordkeeping Requirements).
- (F) 30 TAC § 101.221 (Operational Requirements).
- (G) 30 TAC § 101.222 (Demonstrations).
- (H) 30 TAC § 101.223 (Actions to Reduce Excessive Emissions).

(20) The permit holder shall comply with the following requirements of 30 TAC Chapter 117:

(A) For stationary reciprocating engines subject to Subchapter D, Division 1 (Houston - Galveston - Brazoria Ozone Attainment Area) at minor sources of NO_x:

(i) 30 TAC § 117.2010(a), and (c) - (f) (relating to Emission Specifications), for sources subject to mass emissions cap and trade under 30 TAC Chapter 101, Subchapter H:

(a) For sources that are subject to Chapter 101, Subchapter H, Division 3 of this title (relating to Mass Emissions Cap and Trade Program), the nitrogen oxides (NO_x) emission rate values used to determine allocations for Chapter 101, Subchapter H, Division 3 of this title must be the lower of any applicable permit limit in a permit issued before January 2, 2001; any permit issued on or after January 2, 2001, that the owner or operator submitted an application determined to be administratively complete by the executive director before January 2, 2001; any limit in a permit by rule under which construction commenced by January 2, 2001; or the emission specifications in subsection (c) of this section. The averaging time must be as specified in Chapter 101, Subchapter H, Division 3 of this title.

(b) The following NO_x emission specifications must be used in conjunction with subsection (a) of this section to determine allocations for Chapter 101, Subchapter H, Division 3 of this title, or in conjunction with subsection (b) of this section to establish unit-by-unit emission specifications, as appropriate:

(1) From stationary, gas-fired, reciprocating internal combustion engines:

(A) Fired on landfill gas, 0.60 gram per horsepower-hour (g/hp-hr); and

(B) All others, 0.50 g/hp-hr;

(2) From stationary, diesel, reciprocating internal combustion engines:

(A) Placed into service before October 1, 2001, that have not been modified, reconstructed, or relocated on or after October 1, 2001, the lower of 11.0 g/hp-hr or the emission rate established by testing, monitoring, manufacturer's guarantee, or manufacturer's other data. For the purposes of this paragraph, the terms "modification" and "reconstruction" have the meanings defined in §116.10 of this title (relating to General Definitions) and 40 Code of Federal Regulations §60.15 (December 16, 1975), respectively, and the term "relocated" means to newly install at an account, as defined in §101.1 of this title (relating to Definitions), a used engine from anywhere outside that account; and

(B) For engines not subject to subparagraph (A) of this paragraph:

(i) With a horsepower (hp) rating of 50 hp or greater, but less than 100 hp, that are installed, modified, reconstructed, or relocated:

(I) On or after October 1, 2001, but before October 1, 2003,

6.9 g/hp-hr;

(II) On or after October 1, 2003, but before October 1, 2007, 5.0 g/hp-hr; and

(III) On or after October 1, 2007, 3.3 g/hp-hr;

(ii) With a horsepower rating of 100 hp or greater, but less than 175 hp, that are installed, modified, reconstructed, or relocated:

(I) On or after October 1, 2001, but before October 1, 2002, 6.9 g/hp-hr;

(II) On or after October 1, 2002, but before October 1, 2006, 4.5 g/hp-hr; and

(III) On or after October 1, 2006, 2.8 g/hp-hr;

(iii) With a horsepower rating of 175 hp or greater, but less than 300 hp, that are installed, modified, reconstructed, or relocated:

(I) On or after October 1, 2001, but before October 1, 2002, 6.9 g/hp-hr;

(II) On or after October 1, 2002, but before October 1, 2005, 4.5 g/hp-hr; and

(III) On or after October 1, 2005, 2.8 g/hp-hr;

(3) As an alternative to the emission specifications in paragraphs (1) and (2) of this subsection for units with an annual capacity factor of 0.0383 or less, 0.060 lb/MMBtu heat input. For units placed into service on or before January 1, 1997, the 1997 -

1999 average annual capacity factor must be used to determine whether the unit is eligible for the emission specification of this paragraph. For units placed into service after January 1, 1997, the annual capacity factor must be calculated from two consecutive years in the first five years of operation to determine whether the unit is eligible for the emission specification of this paragraph, using the same two consecutive years chosen for the activity level baseline. The five-year period begins at the end of the adjustment period as defined in §101.350 of this title (relating to Definitions).

(c) The maximum rated capacity used to determine the applicability of the emission specifications in subsection (b) of this section must be:

(1) The greater of the following:

(A) The maximum rated capacity as of December 31, 2000; or

(B) The maximum rated capacity after December 31, 2000; or

(2) Alternatively, the maximum rated capacity authorized by a permit issued under Chapter 116 of this title (relating to Control of Air Pollution by Permits for New Construction or Modification) on or after January 2, 2001, for which the owner or operator submitted an application determined to be administratively complete by the executive director before January 2, 2001, provided that the maximum rated capacity authorized by the permit issued on or after January 2, 2001, is no less than the maximum rated capacity represented in the permit application as of January 2, 2001.

(d) A unit's classification is determined by the most specific classification applicable to the unit as of December 31, 2000. For example, a unit that is classified as a stationary gas-fired engine as of December 31, 2000, but subsequently is authorized to operate as a dual-fuel engine, is classified as a stationary gas-fired engine for the purposes of this chapter.

(e) Changes after December 31, 2000, to a unit subject to an emission specification in subsection (c) of this section (ESAD unit) that result in increased NO_x emissions from a unit not subject to an emission specification in subsection (c) of this section (non-ESAD unit), such as redirecting one or more fuel or waste streams containing chemical-bound nitrogen to an incinerator or a flare, is only allowed if:

(1) The increase in NO_x emissions at the non-ESAD unit is determined using a CEMS or PEMS that meets the requirements of §117.2035(c) of this title, or through stack testing that meets the requirements of §117.2035(e) of this title; and

(2) Either of the following conditions is met:

(A) For sources that are subject to Chapter 101, Subchapter H, Division 3 of this title, a deduction in allowances equal to the increase in NO_x emissions at the non-ESAD unit is made as specified in §101.354 of this title (relating to Allowance Deductions); or

(B) For sources that are not subject to Chapter 101, Subchapter H, Division 3 of this title, emission credits equal to the increase in NO_x emissions at the non-ESAD unit are obtained and used in accordance with §117.9800 of this title (relating to Use of Emission Credits for Compliance).

(ii) 30 TAC § 117.2010(b), and (c) - (f) (relating to Emission Specifications), for sources not subject to mass emissions cap and trade under 30 TAC Chapter 101, Subchapter H

(a) For sources that are not subject to Chapter 101, Subchapter H, Division 3 of this title, NO_x emissions are limited to the lower of any applicable permit limit in a permit issued before January 2, 2001; any permit issued on or after January 2, 2001, that the owner or operator submitted an application determined to be administratively complete by the executive director before January 2, 2001; any limit in a permit by rule under which construction commenced by January 2, 2001; or the emission specifications in subsection (c) of this section. The averaging time must be as follows:

- (1) If the unit is operated with a NO_x continuous emissions monitoring system (CEMS) or predictive emissions monitoring system (PEMS) under §117.2035(c) of this title (relating to Monitoring and Testing Requirements), either as:
 - (A) A rolling 30-day average period, in the units of the applicable standard;
 - (B) A block one-hour average, in the units of the applicable standard; or
 - (C) A block one-hour average, in pounds per hour.
- (2) If the unit is not operated with a NO_x CEMS or PEMS under §117.2035(c) of this title, a block one-hour average, in the units of the applicable standard.

(b) The following NO_x emission specifications must be used in conjunction with subsection (a) of this section to determine allocations for Chapter 101, Subchapter H, Division 3 of this title, or in conjunction with subsection (b) of this section to establish unit-by-unit emission specifications, as appropriate:

- (1) From stationary, gas-fired, reciprocating internal combustion engines:
 - (A) Fired on landfill gas, 0.60 gram per horsepower-hour (g/hp-hr); and
 - (B) All others, 0.50 g/hp-hr;
- (2) From stationary, diesel, reciprocating internal combustion engines:
 - (A) Placed into service before October 1, 2001, that have not been modified, reconstructed, or relocated on or after October 1, 2001, the lower of 11.0 g/hp-hr or the emission rate established by testing, monitoring, manufacturer's guarantee, or manufacturer's other data. For the purposes of this paragraph, the terms "modification" and "reconstruction" have the meanings defined

in §116.10 of this title (relating to General Definitions) and 40 Code of Federal Regulations §60.15 (December 16, 1975), respectively, and the term "relocated" means to newly install at an account, as defined in §101.1 of this title (relating to Definitions), a used engine from anywhere outside that account; and

(B) For engines not subject to subparagraph (A) of this paragraph:

(i) With a horsepower (hp) rating of 50 hp or greater, but less than 100 hp, that are installed, modified, reconstructed, or relocated:

(I) On or after October 1, 2001, but before October 1, 2003, 6.9 g/hp-hr;

(II) On or after October 1, 2003, but before October 1, 2007, 5.0 g/hp-hr; and

(III) On or after October 1, 2007, 3.3 g/hp-hr;

(ii) With a horsepower rating of 100 hp or greater, but less than 175 hp, that are installed, modified, reconstructed, or relocated:

(I) On or after October 1, 2001, but before October 1, 2002, 6.9 g/hp-hr;

(II) On or after October 1, 2002, but before October 1, 2006, 4.5 g/hp-hr; and

(III) On or after October 1, 2006, 2.8 g/hp-hr;

(iii) With a horsepower rating of 175 hp or greater, but less than 300 hp, that

are installed, modified, reconstructed, or relocated:

(I) On or after October 1, 2001, but before October 1, 2002, 6.9 g/hp-hr;

(II) On or after October 1, 2002, but before October 1, 2005, 4.5 g/hp-hr; and

(III) On or after October 1, 2005, 2.8 g/hp-hr;

(3) As an alternative to the emission specifications in paragraphs (1) and (2) of this subsection for units with an annual capacity factor of 0.0383 or less, 0.060 lb/MMBtu heat input. For units placed into service on or before January 1, 1997, the 1997 - 1999 average annual capacity factor must be used to determine whether the unit is eligible for the emission specification of this paragraph. For units placed into service after January 1, 1997, the annual capacity factor must be calculated from two consecutive years in the first five years of operation to determine whether the unit is eligible for the emission specification of this paragraph, using the same two consecutive years chosen for the activity level baseline. The five-year period begins at the end of the adjustment period as defined in §101.350 of this title (relating to Definitions).

(c) The maximum rated capacity used to determine the applicability of the emission specifications in subsection (b) of this section must be:

(1) The greater of the following:

(A) The maximum rated capacity as of December 31, 2000; or

(B) The maximum rated capacity after December 31, 2000; or

(2) Alternatively, the maximum rated capacity authorized by a permit issued under Chapter 116 of

this title (relating to Control of Air Pollution by Permits for New Construction or Modification) on or after January 2, 2001, for which the owner or operator submitted an application determined to be administratively complete by the executive director before January 2, 2001, provided that the maximum rated capacity authorized by the permit issued on or after January 2, 2001, is no less than the maximum rated capacity represented in the permit application as of January 2, 2001.

(d) A unit's classification is determined by the most specific classification applicable to the unit as of December 31, 2000. For example, a unit that is classified as a stationary gas-fired engine as of December 31, 2000, but subsequently is authorized to operate as a dual-fuel engine, is classified as a stationary gas-fired engine for the purposes of this chapter.

(e) Changes after December 31, 2000, to a unit subject to an emission specification in subsection (c) of this section (ESAD unit) that result in increased NO_x emissions from a unit not subject to an emission specification in subsection (c) of this section (non-ESAD unit), such as redirecting one or more fuel or waste streams containing chemical-bound nitrogen to an incinerator or a flare, is only allowed if:

(1) The increase in NO_x emissions at the non-ESAD unit is determined using a CEMS or PEMS that meets the requirements of §117.2035(c) of this title, or through stack testing that meets the requirements of §117.2035(e) of this title; and

(2) Either of the following conditions is met:

(A) For sources that are subject to Chapter 101, Subchapter H, Division 3 of this title, a deduction in allowances equal to the increase in NO_x emissions at the non-ESAD unit is made as specified in §101.354 of this title (relating to Allowance Deductions); or

(B) For sources that are not subject to Chapter 101, Subchapter H, Division 3 of this title, emission credits equal to the increase in NO_x emissions at the non-ESAD unit are

obtained and used in accordance with §117.9800 of this title (relating to Use of Emission Credits for Compliance).

(iii) 30 TAC § 117.2030 (relating to Operating Requirements)

(a) The owner or operator shall operate any unit subject to §117.2010 of this title (relating to Emission Specifications) in compliance with those requirements.

(b) All units subject to §117.2010 of this title must be operated so as to minimize nitrogen oxides (NO_x) emissions, consistent with the emission control techniques selected, over the unit's operating or load range during normal operations. Such operational requirements include the following:

(1) Each unit controlled with post-combustion control techniques must be operated such that the reducing agent injection rate is maintained to limit NO_x concentrations to less than or equal to the NO_x concentrations achieved at maximum rated capacity.

(2) Each stationary internal combustion engine controlled with nonselective catalytic reduction must be equipped with an automatic air-fuel ratio (AFR) controller that operates on exhaust O₂ or CO control and maintains AFR in the range required to meet the engine's applicable emission limits.

(3) Each stationary internal combustion engine must be checked for proper operation according to §117.8140(b) of this title (relating to Emission Monitoring for Engines).

(c) No person shall start or operate any stationary diesel for testing or maintenance between the hours of 6:00 a.m. and noon, except:

(1) For specific manufacturer's recommended testing requiring a run of over 18 consecutive hours; or

(2) To verify reliability of emergency equipment (e.g., emergency generators or pumps) immediately after unforeseen repairs. Routine maintenance such as an

oil change is not considered to be an unforeseen repair.

(iv) 30 TAC § 117.2035 (relating to Monitoring and Testing Requirements)

(a) Totalizing fuel flow meters.

(1) The owner or operator of each unit subject to §117.2010 of this title (relating to Emission Specifications) and subject to Chapter 101, Subchapter H, Division 3 of this title (relating to Mass Emissions Cap and Trade Program), or of each unit claimed exempt under §117.2003(b) of this title (relating to Exemptions) shall install, calibrate, maintain, and operate totalizing fuel flow meters with an accuracy of $\pm 5\%$, to individually and continuously measure the gas and liquid fuel usage. A computer that collects, sums, and stores electronic data from continuous fuel flow meters is an acceptable totalizer. The owner or operator of units with totalizing fuel flow meters installed prior to March 31, 2005, that do not meet the accuracy requirements of this subsection shall either recertify or replace existing meters to meet the $\pm 5\%$ accuracy required as soon as practicable, but no later than March 31, 2007. For the purpose of compliance with this subsection for units having pilot fuel supplied by a separate fuel system or from an unmonitored portion of the same fuel system, the fuel flow to pilots may be calculated using the manufacturer's design flow rates rather than measured with a fuel flow meter. The calculated pilot fuel flow rate must be added to the monitored fuel flow when fuel flow is totaled.

(2) The following are alternatives to the fuel flow monitoring requirements of this subsection:

(A) Units operating with a nitrogen oxides (NO_x) and diluent continuous emissions monitoring system (CEMS) under subsection (c) of this section may monitor stack exhaust flow using the flow monitoring specifications of 40 Code of Federal Regulations (CFR) Part 60.

Appendix B, Performance Specification 6 or 40 CFR Part 75, Appendix A.

- (B) Units that vent to a common stack with a NO_x and diluent CEMS under subsection (c) of this section may use a single totalizing fuel flow meter.
- (C) Diesel engines operating with run time meters may meet the fuel flow monitoring requirements of this subsection through monthly fuel use records.
- (D) Units of the same category of equipment subject to Chapter 101, Subchapter H, Division 3 of this title may share a single totalizing fuel flow meter provided:

 - (i) The owner or operator performs a stack test in accordance with subsection (e) of this section for each unit sharing the totalizing fuel flow meter; and
 - (ii) The testing results from the unit with the highest emission rate (in pounds per million British thermal units or grams per horsepower-hour) are used for reporting purposes in §101.359 of this title (relating to Reporting) for all units sharing the totalizing fuel flow meter.
- (E) The owner or operator of a unit or units claimed exempt under §117.2003(b) of this title, located at an independent school district may demonstrate compliance with the exemption by the following:

 - (i) In addition to the records required by §117.2045(a)(1) of this title (relating to Recordkeeping and Reporting Requirements), maintain the following monthly records in either electronic or written format. These records must be kept for a period of

at least five years and must be made available upon request by authorized representatives of the executive director, the United States Environmental Protection Agency, or local air pollution control agencies having jurisdiction;

(I) Total fuel usage for the entire site;

(II) The estimated hours of operation for each unit;

(III) The estimated average operating rate (e.g., a percentage of maximum rated capacity) for each unit; and

(IV) The estimated fuel usage for each unit; and

(ii) Within 60 days of written request by the executive director, submit for review and approval all methods, engineering calculations, and process information used to estimate the hours of operation, operating rates, and fuel usage for each unit.

(F) The owner or operator of units claimed exempt under §117.2003(b) of this title may share a single totalizing fuel flow meter to demonstrate compliance with the exemption, provided that:

(i) All affected units at the site qualify for the exemption under §117.2003(b) of this title; and

(ii) The total fuel usage for all units at the site is less than:

(I) The annual fuel usage limitation in §117.2003(b)(1) of this title; or

- (II) The annual fuel usage limitation in §117.2003(b)(2) of this title when all affected units at the site are equal to or greater than 5.0 million British thermal units per hour.
- (G) Stationary reciprocating internal combustion engines equipped with a continuous monitoring system that continuously monitors horsepower and hours of operation are not required to install totalizing fuel flow meters. The continuous monitoring system must be installed, calibrated, maintained, and operated according to manufacturer's procedures.
- (b) Oxygen (O₂) monitors. If the owner or operator installs an O₂ monitor, the criteria in §117.8100(a) of this title (relating to Emission Monitoring System Requirements for Industrial, Commercial, and Institutional Sources) should be considered the appropriate guidance for the location and calibration of the monitor.
- (c) NO_x monitors. If the owner or operator installs a CEMS or predictive emissions monitoring system (PEMS), it must meet the requirements of §117.8100(a) or (b) of this title. If a PEMS is used, the PEMS must predict the pollutant emissions in the units of the applicable emission specifications of this division (relating to Houston-Galveston-Brazoria Ozone Nonattainment Area Minor Sources).
- (d) Monitor installation schedule. Installation of monitors must be performed in accordance with the schedule specified in §117.9200 of this title (relating to Compliance Schedule for Houston-Galveston-Brazoria Ozone Nonattainment Area Minor Sources).
- (e) Testing requirements. The owner or operator of any unit subject to §117.2010 of this title shall comply with the following testing requirements.
- (1) Each unit must be tested for NO_x, carbon monoxide (CO), and O₂ emissions.
- (2) One of the ammonia monitoring procedures specified in §117.8130 of this title (relating to

Ammonia Monitoring) must be used to demonstrate compliance with the ammonia emission specification of §117.2010(i)(2) of this title for units that inject urea or ammonia into the exhaust stream for NO_x control.

- (3) For units not equipped with CEMS or PEMS, all testing must be conducted according to §117.8000 of this title (relating to Stack Testing Requirements). In lieu of the test methods specified in §117.8000 of this title, the owner or operator may use American Society for Testing and Materials (ASTM) D6522-00 to perform the NO_x, CO, and O₂ testing required by this subsection on natural gas-fired reciprocating engines. If the owner or operator elects to use ASTM D6522-00 for the testing requirements, the report must contain the information specified in §117.8010 of this title (relating to Compliance Stack Test Reports).
- (4) Test results must be reported in the units of the applicable emission specifications and averaging periods. If compliance testing is based on 40 CFR Part 60, Appendix A reference methods, the report must contain the information specified in §117.8010 of this title.
- (5) For units equipped with CEMS or PEMS, the CEMS or PEMS must be installed and operational before testing under this subsection. Verification of operational status must, at a minimum, include completion of the initial monitor certification and the manufacturer's written requirements or recommendations for installation, operation, and calibration of the device.
- (6) Initial compliance with §117.2010 of this title for units operating with CEMS or PEMS must be demonstrated after monitor certification testing using the NO_x CEMS or PEMS.
- (7) For units not operating with CEMS or PEMS, the following apply:

 - (A) Retesting as specified in paragraphs (1) - (4) of this subsection is required within 60 days

after any modification that could reasonably be expected to increase the NO_x emission rate.

(B) Retesting as specified in paragraphs (1) - (4) of this subsection may be conducted at the discretion of the owner or operator after any modification that could reasonably be expected to decrease the NO_x emission rate, including, but not limited to, installation of post-combustion controls, low-NO_x burners, low excess air operation, staged combustion (for example, overfire air), flue gas recirculation, and fuel-lean and conventional (fuel-rich) reburn.

(C) The NO_x emission rate determined by the retesting must establish a new emission factor to be used to calculate actual emissions from the date of the retesting forward. Until the date of the retesting, the previously determined emission factor must be used to calculate actual emissions for compliance with Chapter 101, Subchapter H, Division 3 of this title.

(8) Testing must be performed in accordance with the schedule specified in §117.9200 of this title.

(9) All test reports must be submitted to the executive director for review and approval within 60 days after completion of the testing.

(f) Emission allowances.

(1) For sources that are subject to Chapter 101, Subchapter H, Division 3 of this title, the NO_x testing and monitoring data of subsections (a) - (e) of this section, together with the level of activity, as defined in §101.350 of this title (relating to Definitions), must be used to establish the emission factor calculating actual emissions for compliance with Chapter 101, Subchapter H, Division 3 of this title.

- (2) The emission factor in subsection (e)(7) of this section or paragraph (1) of this subsection is multiplied by the unit's level of activity to determine the unit's actual emissions for compliance with Chapter 101, Subchapter H, Division 3 of this title.
- (g) Run time meters. The owner or operator of any stationary diesel engine claimed exempt using the exemption of §117.2003(a)(2)(E), (H), or (I) of this title shall record the operating time with an elapsed run time meter. Any run time meter installed on or after October 1, 2001, must be non-resettable.
- (v) 30 TAC § 117.2045 (relating to Recordkeeping and Reporting Requirements)
- (a) Recordkeeping. The owner or operator of a unit subject to §117.2010 of this title (relating to Emission Specifications) or claimed exempt under §117.2003(b) of this title (relating to Exemptions) shall maintain written or electronic records of the data specified in this subsection. Such records must be kept for a period of at least five years and must be made available upon request by authorized representatives of the executive director, the United States Environmental Protection Agency, or local air pollution control agencies having jurisdiction. The records must include:
- (1) Records of annual fuel usage;
- (2) For each unit using a continuous emission monitoring system (CEMS) or predictive emission monitoring system (PEMS) in accordance with §117.2035(c) of this title (relating to Monitoring and Testing Requirements), monitoring records of:
- (A) Hourly emissions and fuel usage (or stack exhaust flow) for units complying with an emission specification enforced on a block one-hour average; and
- (B) Daily emissions and fuel usage (or stack exhaust flow) for units complying with an emission specification enforced on a rolling 30-day average. Emissions must be recorded in units of:

- (i) Pounds per million British thermal units heat input; and
 - (ii) Pounds or tons per day;
 - (3) For each stationary internal combustion engine subject to §117.2010 of this title, records of:
 - (A) Emissions measurements required by §117.2030(b)(5) of this title (relating to Operating Requirements); and
 - (B) Catalytic converter, air-fuel ratio controller, or other emissions-related control system maintenance, including the date and nature of corrective actions taken;
 - (4) Records of carbon monoxide measurements specified in §117.2030(b)(5) of this title;
 - (5) Records of the results of initial certification testing, evaluations, calibrations, checks, adjustments, and maintenance of CEMS, PEMS, or steam-to-fuel or water-to-fuel ratio monitoring systems;
 - (6) Records of the results of performance testing, including the testing conducted in accordance with §117.2035(e) of this title; and
 - (7) Records of daily average horsepower and total daily hours of operation for each stationary reciprocating internal combustion engine that the owner or operator elects to use the alternative monitoring system allowed under §117.2035(a)(2)(G) of this title. Units that are monitored according to §117.2035(a)(2)(G) of this title are not required to keep records of annual fuel usage as required by paragraph (1) of this subsection.
- (b) Records for exempt engines. Written records of the number of hours of operation for each day's operation must be made for each engine claimed exempt under §117.2003(a)(2)(E), (H), or (I) of this title or §117.2030(b)(5) of this title. In addition, for each engine claimed exempt under §117.2003(a)(2)(E) of this title,

written records must be maintained of the purpose of engine operation and, if operation was for an emergency situation, identification of the type of emergency situation and the start and end times and date(s) of the emergency situation. The records must be maintained for at least five years and must be made available upon request to representatives of the executive director, the United States Environmental Protection Agency, or any local air pollution control agency having jurisdiction.

(c) Records of operation for testing and maintenance. The owner or operator of each stationary diesel or dual-fuel engine shall maintain the following records for at least five years and make them available upon request by authorized representatives of the executive director, the United States Environmental Protection Agency, or local air pollution control agencies having jurisdiction:

(1) Date(s) of operation;

(2) Start and end times of operation;

(3) Identification of the engine; and

(4) Total hours of operation for each month and for the most recent 12 consecutive months.

(vi) 30 TAC § 117.9200 (relating to Compliance Schedule)

(a) The owner or operator of each stationary source of nitrogen oxides (NO_x) in the Houston-Galveston-Brazoria ozone nonattainment area that is not a major source of NO_x shall comply with the requirements of Subchapter D, Division 1 of this chapter (relating to Houston-Galveston-Brazoria Ozone Nonattainment Area Minor Sources) as follows.

(1) For sources subject to Chapter 101, Subchapter H, Division 3 of this title (relating to Mass Emissions Cap and Trade Program), the owner or operator shall:

(A) Install any totalizing fuel flow meters and run time meters required by §117.2035 of this title (relating to Monitoring and Testing Requirements) and begin keeping records of

fuel usage as required by §117.2045 of this title (relating to Recordkeeping and Reporting Requirements) no later than March 31, 2005, except that if flue gas cleanup (for example, controls that use a chemical reagent for reduction of NO_x) is installed on a unit before March 31, 2005, then the emissions monitors required by §117.2035 of this title must be installed and operated at the time of startup following the installation of flue gas cleanup on that unit. However, an owner or operator may choose to demonstrate compliance with the ammonia monitoring requirements through annual ammonia stack testing until March 31, 2005;

(B) No later than 60 days after startup of a unit following installation of emissions controls, submit to the executive director the results of:

(i) Stack tests conducted in accordance with §117.2035 of this title. For a stack test conducted before March 31, 2005, on a unit not equipped with a continuous emissions monitoring system (CEMS) or predictive emissions monitoring system (PEMS) that CEMS or PEMS must be installed no later than March 31, 2005, the requirements of §117.2035(e)(6) of this title do not apply; or, as applicable,

(ii) The applicable CEMS or PEMS performance evaluation and quality assurance procedures as specified in §117.8100(a)(1)(A) and (B) and (b)(2) - (4)(A) of this title (relating to Emission Monitoring System Requirements for Industrial, Commercial, and Institutional Sources). The applicable CEMS or PEMS performance evaluation and quality assurance procedures must be

submitted no later than March 31, 2005, except that if the unit is shut down as of March 31, 2005, the CEMS or PEMS performance evaluation and quality assurance procedures must be submitted within 60 days after startup of the unit after March 31, 2005;

- (C) No later than March 31, 2005, for any units subject to §117.2010 of this title (relating to Emission Specifications) that stack testing or a CEMS or PEMS performance evaluation and quality assurance has not been conducted under subparagraph (B) of this paragraph, submit to the executive director the results of:

 - (i) Stack tests conducted in accordance with §117.2035 of this title; or, as applicable,
 - (ii) The applicable CEMS or PEMS performance evaluation and quality assurance procedures as specified in §117.8100(a)(1)(A) and (B) and (b)(2) - (4)(A) of this title;
- (D) Comply with the emission reduction requirements of Chapter 101, Subchapter H, Division 3 of this title as soon as practicable, but no later than the appropriate dates specified in that program;
- (E) For diesel and dual-fuel engines, comply with the restriction on hours of operation for maintenance or testing, and associated recordkeeping, as soon as practicable, but no later than April 1, 2002; and
- (F) Comply with all other requirements of Subchapter D, Division 1 of this chapter as soon as practicable, but no later than March 31, 2005.

(2) For sources not subject to Chapter 101, Subchapter H, Division 3 of this title, the owner or operator shall:

(A) Install any totalizing fuel flow meters and run time meters required by §117.2035 of this title and begin keeping records of fuel usage as required by §117.2045 of this title no later than March 31, 2005, except that if flue gas cleanup (for example, controls that use a chemical reagent for reduction of NO_x) is installed on a unit before March 31, 2005, then the emissions monitors required by §117.2035 of this title must be installed and operated at the time of startup following the installation of flue gas cleanup on that unit. However, an owner or operator may choose to demonstrate compliance with the ammonia monitoring requirements through annual ammonia stack testing until March 31, 2005;

(B) No later than 60 days after startup of a unit following installation of emissions controls, submit to the executive director the results of:

(i) Stack tests conducted in accordance with §117.2035 of this title. For a stack test conducted before March 31, 2005, on a unit not equipped with a CEMS or PEMS that CEMS or PEMS must be installed no later than March 31, 2005, the requirements of §117.2035(e)(6) of this title do not apply; or, as applicable,

(ii) The applicable CEMS or PEMS performance evaluation and quality assurance procedures as specified in §117.8100(a)(1)(A) and (B) and (b)(2) - (4)(A) of this title. The applicable CEMS or PEMS performance evaluation and quality assurance procedures must be submitted no later than March 31,

2005, except that if the unit is shut down as of March 31, 2005, the CEMS or PEMS performance evaluation and quality assurance procedures must be submitted within 60 days after startup of the unit after March 31, 2005;

(C) For diesel and dual-fuel engines, comply with the restriction on hours of operation for maintenance or testing, and associated recordkeeping, as soon as practicable, but no later than April 1, 2002; and

(D) Comply with all other requirements of Subchapter D, Division 1 of this chapter as soon as practicable, but no later than March 31, 2005.

(B) For stationary reciprocating engines exempt from Subchapter D, Division 1 (Houston - Galveston - Brazoria Ozone Attainment Area) at minor sources of NO_x under 30 TAC § 117.2003(a), the permit holder shall comply with 30 TAC §§ 117.2030(c), 117.2035(g), 117.2045(b) and 117.2045(c).

(i) No person shall start or operate any stationary diesel engine for testing or maintenance between the hours of 6:00 a.m. and noon, except:

(a) For specific manufacturer's recommended testing requiring a run of over 18 consecutive hours;

(b) To verify reliability of emergency equipment (e.g., emergency generators or pumps) immediately after unforeseen repairs. Routine maintenance such as an oil change is not considered to be an unforeseen repair; or

(ii) Run time meters. The owner or operator of any stationary diesel engine claimed exempt using the exemption of §117.2003(a)(2)(E), (H), or (I) of this title shall record the operating time with an elapsed run time meter. Any run time meter installed on or after October 1, 2001, must be non-resettable.

(iii) Records for exempt engines. Written records of the number of hours of operation for each day's operation must be made for each engine claimed exempt under §117.2003(a)(2)(E), (H), or (I) of this title or §117.2030(b)(5) of this title. In addition, for each engine claimed exempt under §117.2003(a)(2)(E) of this title, written records must be

maintained of the purpose of engine operation and, if operation was for an emergency situation, identification of the type of emergency situation and the start and end times and date(s) of the emergency situation. The records must be maintained for at least five years and must be made available upon request to representatives of the executive director, the United States Environmental Protection Agency, or any local air pollution control agency having jurisdiction.

(iv) Records of operation for testing and maintenance. The owner or operator of each stationary diesel or dual-fuel engine shall maintain the following records for at least five years and make them available upon request by authorized representatives of the executive director, the United States Environmental Protection Agency, or local air pollution control agencies having jurisdiction:

(a) Date(s) of operation;

(b) Start and end times of operation;

(c) Identification of the engine; and

(d) Total hours of operation for each month and for the most recent 12 consecutive months.

(C) For stationary reciprocating engines subject to Subchapter D, Division 2 (Dallas - Fort Worth - Eight Hour Ozone Nonattainment Area) at minor sources of NO_x:

(i) 30 TAC § 117.2110(a) - (e) (relating to Emission Specifications)

(a) The owner or operator of any source subject to this division (relating to Dallas-Fort Worth Eight-Hour Ozone Nonattainment Area Minor Sources) shall not allow the discharge into the atmosphere emissions of nitrogen oxides (NO_x) in excess of the following emission specifications:

(1) Emission specifications for stationary, gas-fired, reciprocating internal combustion engines are as follows:

(A) Rich-burn engines:

(i) Fired on landfill gas, 0.60 grams per horsepower-hour (g/hp-hr); and

(ii) All other rich-burn engines, 0.50 g/hp-hr; and

(B) Lean-burn engines:

(i) Placed into service before June 1, 2007, that have not been modified, reconstructed, or relocated on or after June 1, 2007, 0.70 g/hp-hr; and

(ii) Placed into service, modified, reconstructed, or relocated on or after June 1, 2007:

(I) Fired on landfill gas, 0.60 g/hp-hr; and

(II) All other lean-burn engines, 0.50 g/hp-hr.

(2) The emission specification for stationary, dual-fuel, reciprocating internal combustion engines is 5.83 g/hp-hr.

(3) Emission specifications for stationary, diesel, reciprocating internal combustion engines are as follows:

(A) Placed into service before March 1, 2009, that have not been modified, reconstructed, or relocated on or after March 1, 2009, the lower of 11.0 g/hp-hr or the emission rate established by testing, monitoring, manufacturer's guarantee, or manufacturer's other data; and

(B) For engines not subject to subparagraph (A) of this paragraph:

(i) With a horsepower (hp) rating of 50 hp or greater, but less than 100 hp, that are installed, modified, reconstructed, or relocated on or after March 1, 2009, 3.3 g/hp-hr;

(ii) 30 TAC § 117.2130 (relating to Operating Requirements)

- (a) The owner or operator shall operate any unit subject to the emission specifications of §117.2110 of this title (relating to Emission Specifications for Eight-Hour Attainment Demonstration) in compliance with those specifications.
- (b) All units subject to §117.2110 of this title must be operated so as to minimize nitrogen oxides (NO_x) emissions, consistent with the emission control techniques selected, over the unit's operating or load range during normal operations. Such operational requirements include the following:
- (1) Each unit controlled with post-combustion control techniques must be operated such that the reducing agent injection rate is maintained to limit NO_x concentrations to less than or equal to the NO_x concentrations achieved at maximum rated capacity.
 - (2) Each stationary internal combustion engine controlled with nonselective catalytic reduction must be equipped with an automatic air-fuel ratio (AFR) controller that operates on exhaust O₂ or CO control and maintains AFR in the range required to meet the engine's applicable emission specifications.
 - (3) Each stationary internal combustion engine must be checked for proper operation according to §117.8140(b) of the title (relating to Emission Monitoring for Engines).
- (c) No person shall start or operate any stationary diesel or dual-fuel engine for testing or maintenance between the hours of 6:00 a.m. and noon, except:
- (1) For specific manufacturer's recommended testing requiring a run of over 18 consecutive hours;
 - (2) To verify reliability of emergency equipment (e.g., emergency generators or pumps) immediately after unforeseen repairs. Routine maintenance such as an

oil change is not considered to be an unforeseen repair; or

(iii) 30 TAC § 117.2135 (relating to Monitoring and Testing Requirements)

(a) Oxygen (O₂) monitors. If the owner or operator installs an O₂ monitor, the criteria in §117.8100(a) of this title (relating to Emission Monitoring System Requirements for Industrial, Commercial, and Institutional Sources) should be considered the appropriate guidance for the location and calibration of the monitor.

(b) Nitrogen oxides (NO_x) monitors. If the owner or operator installs a continuous emissions monitoring system (CEMS) or predictive emissions monitoring system (PEMS), the CEMS or PEMS must meet the requirements of §117.8100(a) or (b) of this title. If a PEMS is used, the PEMS must predict the pollution emissions in the units of the applicable emission limitations of this division.

(c) Monitor installation schedule. Installation of monitors must be performed in accordance with the schedule specified in §117.9210 of this title (relating to Compliance Schedule for Dallas-Fort Worth Eight-Hour Ozone Nonattainment Area Minor Sources).

(d) Testing requirements. The owner or operator of any unit subject to §117.2110 of this title (relating to Emission Specifications for Eight-Hour Attainment Demonstration) shall comply with the following testing requirements.

(1) Each unit must be tested for NO_x, carbon monoxide (CO), and O₂ emissions.

(2) One of the ammonia monitoring procedures specified in §117.8130 of this title (relating to Ammonia Monitoring) must be used to demonstrate compliance with the ammonia emission specification of §117.2110(h)(2) of this title for units that inject urea or ammonia into the exhaust stream for NO_x control.

(3) For units not equipped with CEMS or PEMS, all testing must be conducted according to §117.8000 of this title (relating to Stack Testing

Requirements). In lieu of the test methods specified in §117.8000 of this title, the owner or operator may use American Society for Testing and Materials (ASTM) D6522-00 to perform the NO_x, CO, and O₂ testing required by this subsection on natural gas-fired reciprocating engines. If the owner or operator elects to use ASTM D6522-00 for the testing requirements, the report must contain the information specified in §117.8010 of this title (relating to Compliance Stack Test Reports).

- (4) Test results must be reported in the units of the applicable emission specifications and averaging periods. If compliance testing is based on 40 Code of Federal Regulations Part 60, Appendix A reference methods, the report must contain the information specified in §117.8010 of this title.
- (5) For units equipped with CEMS or PEMS, the CEMS or PEMS must be installed and operational before testing under this subsection. Verification of operational status must, at a minimum, include completion of the initial monitor certification and the manufacturer's written requirements or recommendations for installation, operation, and calibration of the device.
- (6) Initial compliance with the emission specifications of §117.2110 of this title for units operating with CEMS or PEMS must be demonstrated after monitor certification testing using the NO_x CEMS or PEMS.
- (7) For units not operating with CEMS or PEMS, the following apply:
 - (A) Retesting as specified in paragraphs (1) - (4) of this subsection is required within 60 days after any modification that could reasonably be expected to increase the NO_x emission rate.
 - (B) Retesting as specified in paragraphs (1) - (4) of this subsection may be conducted at the discretion of the owner or operator after any modification that could reasonably be

expected to decrease the NO_x emission rate, including, but not limited to, installation of post-combustion controls, low-NO_x burners, low excess air operation, staged combustion (for example, overfire air), flue gas recirculation, and fuel-lean and conventional (fuel-rich) reburn.

(C) Stationary, reciprocating internal combustion engines not equipped with CEMS or PEMS must be periodically tested for NO_x and CO emissions as specified in §117.8140(a) of this title (relating to Emission Monitoring for Engines).

(8) Testing must be performed in accordance with the schedule specified in §117.9210 of this title.

(9) All test reports must be submitted to the executive director for review and approval within 60 days after completion of the testing.

(10) The owner or operator of an affected unit in the Dallas-Fort Worth eight-hour ozone nonattainment area must submit written notification of any CEMS or PEMS relative accuracy test audit (RATA) or testing required under this section to the appropriate regional office and any local air pollution control agency having jurisdiction at least 15 days in advance of the date of RATA or testing.

(e) Run time meters. The owner or operator of any stationary diesel engine claimed exempt using the exemption of §117.2103(5), (8), or (9) of this title shall record the operating time with a non-resettable elapsed run time meter.

(iv) 30 TAC § 117.2145 (relating to Recordkeeping and Reporting Requirements)

(a) Recordkeeping. The owner or operator of a unit subject to §117.2110 of this title (relating to Emission Specifications for Eight-Hour Attainment Demonstration) shall maintain written or electronic records of the data specified in this subsection. Such records must be kept for a period of at least five years and must be made available upon request by authorized representatives of the executive director, the

United States Environmental Protection Agency, or local air pollution control agencies having jurisdiction. The records must include:

(1) For each unit using a continuous emission monitoring system (CEMS) or predictive emission monitoring system (PEMS) in accordance with §117.2135(b) of this title (relating to Monitoring, Notification, and Testing Requirements) monitoring records of:

(A) Hourly emissions for units complying with an emission specification enforced on a block one-hour average; and

(B) Daily emissions for units complying with an emission specification enforced on a rolling 30-day average. Emissions must be recorded in units of:

(i) Pounds per million British thermal units (MMBtu) heat input; and

(ii) Pounds or tons per day;

(2) For each stationary internal combustion engine subject to §117.2110 of this title, records of:

(A) Emissions measurements required by §117.2130(b)(3) of this title (relating to Operating Requirements); and

(B) Catalytic converter, air-fuel ratio controller, or other emissions-related control system maintenance, including the date and nature of corrective actions taken;

(3) Records of carbon monoxide (CO) measurements specified in §117.2130(b)(3) of this title;

(4) Records of the results of initial certification testing, evaluations, calibrations, checks, adjustments, and maintenance of CEMS, PEMS, or steam-to-fuel or water-to-fuel ratio monitoring systems; and

(5) Records of the results of performance testing, including the testing conducted in accordance with §117.2135(d) of this title.

(b) Records for exempt engines. Written records of the number of hours of operation for each day's operation must be made for each engine claimed exempt under §117.2103(5), (8), or (9) of this title or §117.2130(b)(3) of this title. In addition, for each engine claimed exempt under §117.2103(5) of this title, written records must be maintained of the purpose of engine operation and, if operation was for an emergency situation, identification of the type of emergency situation and the start and end times and date(s) of the emergency situation. The records must be maintained for at least five years and must be made available upon request to representatives of the executive director, the United States Environmental Protection Agency, or any local air pollution control agency having jurisdiction.

(c) Records of operation for testing and maintenance. The owner or operator of each stationary diesel or dual-fuel engine shall maintain the following records for at least five years and make them available upon request by authorized representatives of the executive director, the United States Environmental Protection Agency, or local air pollution control agencies having jurisdiction:

(1) Date(s) of operation;

(2) Start and end times of operation;

(3) Identification of the engine; and

(4) Total hours of operation for each month and for the most recent 12 consecutive months.

(v) 30 TAC § 117.9210 (relating to Compliance Schedule)

(a) The owner or operator of any stationary source of nitrogen oxides (NO_x) in the Dallas-Fort Worth eight-hour ozone nonattainment area that is not a major source of NO_x and is subject to the requirements of Subchapter D, Division 2 of this chapter (relating to Dallas-Fort Worth Eight-Hour Ozone Nonattainment Area Minor Sources) shall comply with the requirements of Subchapter D, Division 2 of this

chapter as soon as practicable, but no later than:

(1) March 1, 2009, for rich-burn stationary gas-fired reciprocating internal combustion engines;

(2) March 1, 2010, for lean-burn stationary gas-fired reciprocating internal combustion engines; and

(3) March 1, 2009, for diesel-fired and dual-fuel stationary, reciprocating internal combustion engines.

(b) The owner or operator of any stationary source of NO_x that becomes subject to the requirements of Subchapter D, Division 2 of this chapter on or after the applicable compliance date specified in subsection (a) of this section shall comply with the requirements of Subchapter D, Division 2 of this chapter as soon as practicable, but no later than 60 days after becoming subject.

(D) For stationary reciprocating engines exempt from Subchapter D, Division 2 (Dallas - Fort Worth - Eight Hour Ozone Nonattainment Area) at minor sources of NO_x under 30 TAC § 117.2103, the permit holder shall comply with 30 TAC §§ 117.2130(c), 117.2135(e), and 117.2145(b) and (c).

(i) No person shall start or operate any stationary diesel or dual-fuel engine for testing or maintenance between the hours of 6:00 a.m. and noon, except:

(1) For specific manufacturer's recommended testing requiring a run of over 18 consecutive hours;

(2) To verify reliability of emergency equipment (e.g., emergency generators or pumps) immediately after unforeseen repairs. Routine maintenance such as an oil change is not considered to be an unforeseen repair; or

(ii) Run time meters. The owner or operator of any stationary diesel engine claimed exempt using the exemption of §117.2103(5), (8), or (9) of this title shall record the operating time with a non-resettable elapsed run time meter.

(iii) Records for exempt engines. Written records of the number of hours of operation for each day's operation must be made for each engine claimed exempt under §117.2103(5), (8), or (9) of this title or §117.2130(b)(3) of this title. In addition, for each engine

claimed exempt under §117.2103(5) of this title, written records must be maintained of the purpose of engine operation and, if operation was for an emergency situation, identification of the type of emergency situation and the start and end times and date(s) of the emergency situation. The records must be maintained for at least five years and must be made available upon request to representatives of the executive director, the United States Environmental Protection Agency, or any local air pollution control agency having jurisdiction.

(iv) Records of operation for testing and maintenance. The owner or operator of each stationary diesel or dual-fuel engine shall maintain the following records for at least five years and make them available upon request by authorized representatives of the executive director, the United States Environmental Protection Agency, or local air pollution control agencies having jurisdiction:

(1) Date(s) of operation;

(2) Start and end times of operation;

(3) Identification of the engine; and

(4) Total hours of operation for each month and for the most recent 12 consecutive months.