

**Texas Commission on Environmental Quality  
Air Curtain Incinerator**

**General Operating Permit**

- (a) Qualification Criteria. An air curtain incinerator (ACI) 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. These types of ACIs may be authorized to operate under this general operating permit (GOP) provided that:
- (1) Emission units authorized 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) This GOP codifies the following permits by rule (PBR):
    - (A) 30 TAC § 106.263 (Routine Maintenance, Start-up and Shutdown of Facilities, and Temporary Maintenance Facilities);
    - (B) 30 TAC § 106.496 (Air Curtain Incinerators);
    - (C) 30 TAC § 106.511 (Portable and Emergency Engines and Turbines); and
    - (D) 30 TAC § 106.512 (Stationary Engines and Turbines).
  - (3) At the time of application submittal, each emission unit authorized under this GOP is in compliance with all applicable requirements.
  - (4) Emission units that are authorized to operate under this GOP shall not use an alternative means of compliance which must be approved by the executive director of the Texas Commission on Environmental Quality (TCEQ or commission) or the administrator of the United States Environmental Protection Agency (EPA), unless otherwise stated in the GOP.
  - (5) An ACI may only combust materials authorized under 30 TAC § 106.496.
  - (6) For units at the site not authorized by this GOP, the permit holder shall apply for a federal operating permit if those units are subject to a state or federal regulation that requires a federal operating permit.
  - (7) Stationary reciprocating internal combustion (SRIC) engines authorized under this GOP are limited to less than 240 horsepower (hp).
  - (8) Nitrogen oxide (NO<sub>x</sub>) emissions under this GOP are limited to 25 tons per year (tpy) for the Houston-Galveston-Brazoria nonattainment areas, 50 tpy for the Dallas-Fort Worth and Beaumont-Port Arthur nonattainment areas, and 100 tpy for all other counties.
- (b) Terms and Conditions.
- (1) The permit holder shall comply with the change of location and recordkeeping requirements under 30 TAC § 106.496.

- (2) The permit holder shall comply with the requirements relating to GOPs, which are contained in 30 TAC Chapter 122, Subchapter F (General Operating Permits).
- (3) The permit holder shall comply with all terms and conditions relating to:
  - (A) 30 TAC § 122.143 (General Terms and Conditions), including, but not limited to:
    - (i) Comply with any other applicable rules, regulations, or orders of the TCEQ, or EPA.
    - (ii) The authorization to operate (ATO) under a GOP shall not exceed five years from the date the authorization was granted or renewed.
    - (iii) Comply with the Texas Clean Air Act (TCAA), Texas Health and Safety Code, Chapter 382, Subchapter B (Powers and Duties of Commission), which allows representatives from the commission or the local air pollution control agency having jurisdiction to:
      - (I) enter upon the permit holder's premises where an emission unit is located or emissions-related activity is conducted, or where records shall be kept under the conditions of the permit;
      - (II) access and copy any records that shall be kept under the conditions of the permit;
      - (III) inspect any emission unit, equipment, practices, or operations regulated or required under the permit; and
      - (IV) sample or monitor substances or parameters for the purpose of assuring compliance with the permit at any time.
    - (iv) Comply with all terms and conditions codified in the permit and any provisional terms and conditions required to be included with the permit. Any noncompliance with the terms or conditions codified in the permit or the provisional terms and conditions, if any, constitutes a violation of the Federal Clean Air Act (FCAA) and the TCAA and is grounds for enforcement action; termination of ATO under the GOP, revocation and reissuance, or modification; or denial of an application to renew the ATO under the GOP. 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) The permit holder need not comply with the original terms and conditions codified in the permit that have been replaced by provisional terms and conditions before the granting of a new ATO. Comply with the executive director's requests for 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 no later than 60 days after the request unless the deadline is extended by the executive director.

- (vi) Pay fees to the commission consistent with the fee schedule in 30 TAC § 101.27 (Emissions Fees).
  - (vii) A copy of the permit, the enforceable general operating permit application, and the ATO shall be maintained at the location specified in the ATO.
  - (viii) Any reports or annual compliance certifications required by a permit submitted to the 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:
- (i) Maintain 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:
    - (I) the date, location as defined in the permit, and time of sampling measurements;
    - (II) the date(s) analyses were performed;
    - (III) the company or entity that performed the analyses;
    - (IV) the analytical techniques or methods used;
    - (V) the results of such analyses;
    - (VI) the relevant operating conditions which are deemed necessary to characterize emission rates at the time of sampling or measurement;
    - (VII) the data from all calibration and maintenance records;
    - (VIII) the strip-chart recordings for continuous monitoring instrumentation; and
    - (IX) the copies of all reports required by the permit.
  - (ii) All applicable records shall be maintained at the location specified in the ATO under a general operating permit.

- (iii) Upon request, provide records required by the permit, including confidential information, if requested, in a legible form, to representatives from the commission or the local air pollution control agency having jurisdiction.
  - (iv) Provide EPA Region 6 with required records and confidentiality claims within the deadlines specified. Any confidentiality claim should be made in accordance with federal law, including 40 Code of Federal Regulations (40 CFR) Part 2, Public Information.
  - (v) Maintain records of the duration of the stay at a temporary site.
- (C) 30 TAC § 122.145 (Reporting Terms and Conditions), including, but not limited to:
- (i) Monitoring reports.
    - (I) Submit monitoring reports to the executive director and the local air pollution control agency having jurisdiction, if they are required by the permit.
    - (II) Submit reports for at least each six-month period after the issuance or renewal of the ATO or at the frequency required by an applicable requirement which requires more frequent reporting.
    - (III) Submit the monitoring reports no later than 30 days after the end of each reporting period.
    - (IV) Follow the applicable monitoring data collection requirements specified in the applicable requirements.
  - (ii) Deviation reports.
    - (I) Submit deviation reports, in writing, to the executive director, including all instances of deviations, the probable cause, and any corrective actions or preventative measures taken for each emission unit addressed in the permit.
    - (II) Submit a deviation report for at least each six-month period after the issuance or renewal of the ATO or at the frequency required by an applicable requirement which requires more frequent reporting. No report is required if no deviations occurred over the six-month reporting period.
    - (III) Submit deviation reports 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:
- (i) Certify compliance with the terms and conditions of the permit for at least each 12-month period following initial issuance or renewal

of the ATO.

- (ii) Submit the certification to the executive director, TCEQ regional office, 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 having jurisdiction.
- (iv) Certify, at a minimum, the continuous or intermittent compliance method data from monitoring, recordkeeping, reporting, or testing required by the permit and any other credible evidence or information required by the permit to be used to assess compliance.
- (v) Certify annually:
  - (I) The identification of each term or condition of the permit being certified, the method used for determining the compliance status of each emission unit, and whether such method provides continuous or intermittent data.
  - (II) The emission unit 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.
  - (III) The emission unit addressed in the permit that had one or more deviations occurring over the certification period, indicating the potentially intermittent compliance status of the emission unit. The permit holder shall provide:
    - (-a-) the identification of the emission unit;
    - (-b-) the applicable requirement for which a deviation occurred;
    - (-c-) the monitoring method (or recordkeeping method, if appropriate) used to assess compliance;
    - (-d-) the frequency with which sampling, monitoring, or recordkeeping was required to be conducted by the monitoring or recordkeeping requirement of the permit; and
    - (-e-) the total number of times the deviation occurred according to the assessment required by the monitoring or recordkeeping method specified in the permit.
  - (IV) The identification of all other terms and conditions of the permit for which compliance was not achieved.

- (vi) Provide the executive director additional information, if requested and in accordance with the timeframes specified, to determine the compliance status of the emission unit.
- (4) If an ATO under this GOP is no longer required, the Responsible Official (RO) must submit a written request to void the ATO in accordance with 30 TAC § 122.161(e) (Miscellaneous). The permit holder must comply with the permit requirements, including compliance certification and deviation reporting until notified that the ATO is voided.
  - (5) All reports required by this permit must include in the submittal a cover letter to the appropriate TCEQ regional office and other appropriate agencies which identifies:
    - (A) Company name;
    - (B) TCEQ regulated entity number;
    - (C) Air account number (if assigned);
    - (D) Site name;
    - (E) Area name (if applicable); and
    - (F) Air Permits Division permit number(s).
  - (6) The permit holder shall comply with ATO revision requirements:
    - (A) For new applicable requirements or state-only requirements affecting units authorized to operate under this GOP as a result of changes at the site, in accordance with 30 TAC § 122.503 (Application Revisions for Changes at a Site).
    - (B) For new applicable requirements or state-only requirements affecting units authorized to operate under this GOP in accordance 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).
  - (7) A citation listed in the tables of GOP 518(c), which has a notation [G] listed before it, shall include all subordinate sections, subsections, paragraphs, subparagraphs, clauses, subclauses, items, and subitems contained within the referenced citation as applicable requirements.
  - (8) The following requirements concerning NSR authorizations shall apply:
    - (A) The permit holder shall comply with 30 TAC Chapter 116 by obtaining a NSR authorization prior to startup or modification of the emission units in the area covered by this GOP.
    - (B) The permit holder shall comply with the following requirements of PBRs, including previous versions, standard exemptions, and exemptions from permitting, as applicable:

- (i) 30 TAC § 106.2 (Applicability);
  - (ii) 30 TAC § 106.4 (Requirements for Permitting by Rule);
  - (iii) 30 TAC § 106.8 (Recordkeeping);
  - (iv) 30 TAC § 106.13 (References to Standard Exemptions and Exemptions from Permitting);
  - (v) 30 TAC § 106.263;
  - (vi) 30 TAC § 106.496;
  - (vii) 30 TAC § 106.511; and
  - (viii) 30 TAC § 106.512.
- (C) The NSR authorizations identified in GOP applications are applicable requirements.
- (D) The permit holder shall maintain records to demonstrate compliance with any emission limitation or standard that is specified in a PBR listed in the application. The records shall yield reliable data from the relevant time period that is representative of the emission unit's compliance with the PBR. These records may include, but are not limited to, hours of operation, speciation of air contaminant data, engineering calculations, maintenance records, or performance tests. These records shall be made readily accessible and available as required by 30 TAC § 122.144. Any monitoring or recordkeeping data indicating noncompliance with the PBR shall be considered and reported as a deviation according to 30 TAC § 122.145.
- (9) The permit holder shall comply with the following visible emissions requirements specified in 30 TAC Chapter 111 (Control of Air Pollution from Visible Emissions and Particulate Matter), during operation:
- (A) Visible emissions shall not exceed 30 percent opacity averaged over a six-minute period as specified in 30 TAC § 111.111(a)(8)(A) (Requirements for Specified Sources). The permit holder shall comply with the following requirements:
    - (i) 30 TAC § 111.111(a)(8)(A);
    - (ii) 30 TAC § 111.111(a)(8)(B)(i) or (ii); and
    - (iii) 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 NO<sub>x</sub>, the permit holder shall also comply with the following periodic monitoring requirements for the purpose of annual compliance certification under 30 TAC § 122.146:

- (I) 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 operating for the entire quarter.
  - (II) Records of all observations shall be maintained.
  - (III) Visible emissions observations of sources operated during daylight hours shall be conducted no earlier than one hour after sunrise and no later than one hour before sunset. Visible emissions observations of sources operated only at night must be made with additional lighting and the temporary installation of contrasting backgrounds. Visible emissions shall be determined with each source in clear view of the observer. The observer shall be at least 15 feet, but not more than 0.25 mile, away from each source during the observation. For outdoor locations, the observer shall select a position where the sun is not directly in the observer's eyes. When condensed water vapor is present within the plume, as it emerges from the emissions outlet, observations must be made beyond the point in the plume at which condensed water vapor is no longer visible. 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. A certified opacity reader is not required for visible emissions observations.
- (iv) Compliance Certification.
- (I) 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) 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) as soon as practicable, but no later than 24 hours after observing visible emissions 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.

- (III) Certification of opacity readers determining opacities under Method 9 (as outlined in 40 CFR Part 60, Appendix A-4) 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.
- (10) Permit holders with ACIs subject to 30 TAC Chapter 113, Subchapter D, Division 4 (Emissions Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units That Commenced Construction On or Before November 30, 1999) shall comply with:
- (A) 30 TAC § 113.2258(a), (a)(1), (a)(2), and (b) (What are the Emission Limitations for Air Curtain Incinerators?):
 

After the date the initial stack test is required or completed (whichever is earlier), except during malfunctions not to exceed three hours, meeting opacity limitations of:

    - (I) 10 percent (six-minute average) during operation; and
    - (II) 35 percent (six-minute average) during the startup period that is within the first 30 minutes of operation.
  - (B) 30 TAC § 113.2259(a), (b), and (c) (How Must I Monitor Opacity for Air Curtain Incinerators?):
    - (i) Use Test Method 9 (40 CFR Part 60, Appendix A) to determine compliance with the opacity limitation.
    - (ii) Conduct an initial test for opacity as specified in 40 CFR § 60.8 (Performance Tests) no later than 180 days after the final compliance date.
    - (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) (What are the Recordkeeping and Reporting Requirements for Air Curtain Incinerators?):
    - (i) Keep records of results of all initial and annual opacity tests at the location specified in the ATO in either paper copy or electronic format for at least five years.
    - (ii) Make all records (including an inspector's onsite review) available for submittal to the executive director and local air pollution control agency having jurisdiction.
    - (iii) Submit initial and annual opacity test reports as electronic or paper copy on or before the applicable submittal date and keep a copy onsite for a period of five years.

- (D) 30 TAC § 113.2260(c), (d), and (e):
    - (i) Submit an initial report no later than 60 days following the initial opacity test that includes:
      - (I) A record of the types of materials to be burned in the ACI; and
      - (II) The results (each six-minute average) of the initial opacity tests.
    - (ii) Submit annual opacity test results within 12 months following the previous report.
    - (iii) Submit initial and annual opacity test reports as electronic or paper copy on or before the applicable submittal date and keep a copy onsite for a period of five years.
  - (E) The permit holder shall comply with these requirements in accordance with associated deadlines.
- (11) 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) (What are the Emission Limitations for Air Curtain Incinerators That Burn Only Wood Waste, Clean Lumber, and Yard Waste?):
 

Within 180 days after the final compliance date found in Table 1 of 30 TAC § 113.2357 (Tables Relating to Division 5) except during malfunctions not to exceed three hours, meeting opacity limitations of:

    - (I) 10 percent (six-minute average) during operation; and
    - (II) 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) (How Must I Monitor Opacity for Air Curtain Incinerators That Burn Only Wood Waste, Clean Lumber, and Yard Waste?):
    - (i) Using Test Method 9 (40 CFR Part 60, Appendix A) to determine compliance with the opacity limitation.
    - (ii) Conduct 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 30 TAC § 113.2357.
    - (iii) Conduct annual tests no more than 12 months following the date of the previous test.

- (iv) Conduct 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) (What are the Recordkeeping and Reporting Requirements for Air Curtain Incinerators That Burn Only Wood Waste, Clean Lumber, and Yard Waste?):
- (i) Keep records of results of all initial and annual opacity tests onsite in either paper copy or electronic format that can be printed upon request for at least five years. Each record shall be kept at the location specified in the ATO for at least two years. The permit holder may keep the records off site for the remaining three years.
  - (ii) Make all records available for submittal to the executive director or for an inspector's review.
  - (iii) Keep a copy of the initial and annual reports for a period of five years and keep each report at the location specified in the ATO for at least two years. The permit holder may keep the reports off site for the remaining three years.
- (D) 30 TAC § 113.2354(c), (d), and (e):
- (i) Submit 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. These reports shall be submitted to the TCEQ and the local air pollution control agency having jurisdiction.
  - (ii) Submit initial and annual opacity tests reports as electronic or paper copy on or before the applicable submittal date.
  - (iii) Keep 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 ATO for at least two years. The permit holder may keep the reports off site for the remaining three years.
- (E) The permit holder shall comply with these requirements in accordance with associated deadlines based on the date of publication of notice in the *Texas Register* of EPA approval of this State Plan.
- (12) The permit holder shall comply with the following requirements of 30 TAC Chapter 117 (Control of Air Pollution from Nitrogen Compounds):
- (A) 30 TAC § 117.10 (Definitions).
  - (B) For stationary reciprocating engines subject to Subchapter D, Division 1 (Houston-Galveston-Brazoria Ozone Nonattainment Area Minor Sources):
    - (i) 30 TAC § 117.2010(a), and (c) - (f) (Emission Specifications), for sources subject to mass emissions cap and trade under 30 TAC Chapter 101, Subchapter H (Emissions Banking and Trading);

- (ii) 30 TAC § 117.2010(b), and (c) - (f), for sources not subject to mass emissions cap and trade under 30 TAC Chapter 101, Subchapter H;
  - (iii) 30 TAC § 117.2030 (Operating Requirements);
  - (iv) 30 TAC § 117.2035 (Monitoring and Testing Requirements);
  - (v) 30 TAC § 117.2045 (Recordkeeping and Reporting Requirements); and
  - (vi) 30 TAC § 117.9200 (Compliance Schedule for Houston-Galveston-Brazoria Ozone Nonattainment Area Minor Sources).
- (C) For stationary reciprocating engines exempt from Subchapter D, Division 1 at minor sources of NO<sub>x</sub> under 30 TAC § 117.2003(a) (Exemptions), the permit holder shall comply with:
- (i) 30 TAC § 117.2030(c);
  - (ii) 30 TAC § 117.2035(g);
  - (iii) 30 TAC § 117.2045(b); and
  - (iv) 30 TAC § 117.2045(c).
- (D) For stationary reciprocating engines subject to Subchapter D, Division 2 at minor sources of NO<sub>x</sub>:
- (i) 30 TAC § 117.2110(a) - (e) (Emission Specifications for Eight-Hour Attainment Demonstration);
  - (ii) 30 TAC § 117.2130 (Operating Requirements);
  - (iii) 30 TAC § 117.2135 (Monitoring, Notification, and Testing Requirements); and
  - (iv) 30 TAC § 117.2145 (Recordkeeping and Reporting Requirements).
- (E) For stationary reciprocating engines exempt from Subchapter D, Division 2 (Dallas-Fort Worth Eight-Hour Ozone Nonattainment Area Minor Sources) at minor sources of NO<sub>x</sub> under 30 TAC § 117.2103, the permit holder shall comply with:
- (i) 30 TAC § 117.2130(c);
  - (ii) 30 TAC § 117.2135(e);
  - (iii) 30 TAC § 117.2145(b); and
  - (iv) 30 TAC § 117.2145(c).

- (F) For stationary reciprocating engines subject to Subchapter H, Division 1 at minor sources of NO<sub>x</sub>:

30 TAC § 117.9210 (Compliance Schedule for Dallas-Fort Worth Eight-Hour Ozone Nonattainment Area Minor Sources).

- (13) For a 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 the applicable subpart:

- (A) 40 CFR § 60.7, Notification and Record Keeping, including, but not limited to furnishing the TCEQ written or electronic notification of:

- (i) The date construction or reconstruction, as defined under 40 CFR § 60.15, Reconstruction, of an ACI is commenced. This notification shall be postmarked no later than 30 days after construction or reconstruction.
- (ii) The actual date of initial startup of the ACI postmarked within 15 days after initial startup.
- (iii) 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 be postmarked not less than 30 days prior to such date.

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

- (i) Conduct performance test(s) and furnish the TCEQ a written report of the results 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 and at such other times as may be required by the TCEQ under the FCAA, Section 114, Recordkeeping, Inspection, Monitoring, and Entry.
- (ii) Conduct performance tests under such conditions as the TCEQ shall specify to the plant operator based on representative performance of the affected facility. The permit holder shall make available to the TCEQ such records as may be necessary to determine the conditions of the performance tests.
- (iii) Provide the TCEQ and the local air pollution control agency having jurisdiction at least 30 days prior to notice of any performance test, except as specified under other subparts, to afford the TCEQ and the local air pollution control agency having jurisdiction 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 permit holder of an affected facility shall notify the TCEQ and the local air pollution control agency having jurisdiction 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 and the local pollution control agency having jurisdiction by mutual agreement.

- (C) 40 CFR § 60.11, including, but not limited to:
- (i) Determine compliance with standards in 40 CFR Part 60, other than opacity standards, in accordance with performance tests established by 40 CFR § 60.8, unless otherwise specified in the applicable standard.
  - (ii) Determine compliance with opacity standards in this paragraph 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) All opacity standards set forth shall apply at all times except as otherwise provided in the applicable standard.
  - (iv) Maintain and operate the ACI at all times, including periods of startup, shutdown, and malfunction to the extent practicable, 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 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) Conduct opacity observations concurrently with the initial performance test required in 40 CFR § 60.8 in order to demonstrate initial compliance unless:
    - (I) No performance test under 40 CFR § 60.8 is required, then 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
    - (II) Visibility or other conditions prevent the opacity observations from being conducted concurrently with the initial performance test required under 40 CFR § 60.8. The source permit holder 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:
      - (-a-) The TCEQ shall waive the 30-day prior notification required in 40 CFR § 60.7(a)(6).

- (-b-) The permit holder shall conduct rescheduled opacity observations (to the extent possible) under the same operating conditions that existed during the initial performance test conducted under 40 CFR § 60.8.
  - (-c-) 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.
  - (-d-) The permit holder shall not use opacity readings of portions of plumes which contain condensed, uncombined water vapor for purposes of determining compliance with opacity standards.
  - (-e-) The permit holder of an affected facility shall make available, upon request by the TCEQ and local air pollution control agency 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) Optional requests to 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 permit holder of the ACI shall report the opacity results. Any requests to the TCEQ to determine and to record the opacity of emissions from an ACI 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) of this subsection, conducting opacity observations in accordance with (ii) of this subsection, the permit holder of an ACI shall maintain opacity emission records, and report the opacity results along with the results of the initial performance test required under 40 CFR § 60.8 to the TCEQ. The inability of a permit holder to secure a visible emissions observer shall not be considered a reason for not conducting the opacity observations concurrent with the initial performance test.
  - (viii) The TCEQ shall use 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) No permit holder subject to 40 CFR § 60.12, Circumvention, shall build, erect, install, or use any article, machine, equipment, or process, to

conceal 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:
  - (i) For the purpose 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) Postmark the submittal on or before the number of days specified in the applicable requirement if the applicable requirement does not specify an explicit postmark deadline for the submittal of a notification, application, report, or other written communication to the TCEQ.
  - (iii) Submit periodic reports using a TCEQ-established schedule.

(14) Other Reporting Requirements

Submit an alternate schedule for submitting periodic reports that does not change the frequency of reporting. Regarding alternate schedules, the permit holder shall:

- (i) 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.
- (ii) 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.
- (iii) Create an alternate schedule that is consistent with the TCEQ’s schedule by mutual agreement between the permit holder and the TCEQ.
- (iv) Wait for TCEQ’s written notification of approval or disapproval of the request for schedule adjustment. Regarding the notification of adjustment approval or disapproval:
  - (l) The TCEQ shall send this notification within 15 calendar days of receiving sufficient information to evaluate the request.

- (II) 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.
  - (III) Until the adjustment approval notification is received, the permit holder shall remain strictly subject to the requirements of 40 CFR Part 60.
  - (v) 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.
- (15) Permit holders with ACIs subject to 40 CFR Part 60, Subpart CCCC, Standards of Performance for Commercial and Industrial Solid Waste Incineration Units shall comply with:
- (A) 40 CFR § 60.2250, What Are the Emission Limitations for Air Curtain Incinerators?
 

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:

    - (I) an opacity limitation of 10 percent (as determined by the average of three one-hour blocks consisting of ten six-minute average opacity values) during operation; and
    - (II) an opacity limitation of 35 percent (as determined by the average of three one-hour blocks consisting of ten six-minute average opacity values) during the startup period that is within the first 30 minutes of operation.
  - (B) 40 CFR § 60.2255, How Must I Monitor Opacity for Air Curtain Incinerators?
    - (i) Use Test Method 9 (40 CFR Part 60, Appendix A) to determine compliance with the opacity limitation.
    - (ii) Conduct an initial test for opacity as specified in 40 CFR § 60.8.
    - (iii) 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, What are the Recordkeeping and Reporting Requirements for Air Curtain Incinerators?
    - (i) Prior to startup submit:
      - (I) Notification of intent to startup the ACI.
      - (II) Planned initial startup date.
      - (III) Records of the types of materials to be burned in the ACI.

- (ii) Keep records of results of all initial and annual opacity tests at the location specified in the ATO in either paper copy or electronic format, for at least five years.
  - (iii) Make all records available for submittal to the TCEQ and local air pollution control agency having jurisdiction or for an inspector's onsite review.
  - (iv) Submit the results (as determined by the average of three one-hour blocks consisting of ten six-minute average opacity values) of the initial opacity tests no later than 60 days following the initial test and annual opacity results within 12 months following the previous report.
  - (v) Submit initial and annual opacity test reports as electronic or paper copy on or before the applicable submittal date.
  - (vi) Keep a copy of the initial and annual reports for a period of five years.
- (16) Permit holders with 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 shall comply with:
- (A) 40 CFR § 60.2971, What are the Emission Limitations for Air Curtain Incinerators That Burn Only Wood Waste, Clean Lumber, and Yard Waste?
 

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, except during malfunctions not to exceed three hours. The permit holder shall follow opacity limitations of:

    - (I) 10 percent (six minute average) during operation; and
    - (II) 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.
  - (B) 40 CFR § 60.2972, How Must I Monitor for Air Curtain Incinerators that Burn Only Wood Waste, Clean Lumber, and Yard Waste?
    - (i) Use Test Method 9 (40 CFR Part 60, Appendix A) to determine compliance with the opacity limitation.
    - (ii) Conduct an initial test for opacity as specified in 40 CFR § 60.8.
    - (iii) After the initial test for opacity, conduct annual tests no more than 12 months following the date of the previous test.
    - (iv) Conduct 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) 40 CFR § 60.2973(b), (c), and (f), What are the Recordkeeping and Reporting Requirements for Air Curtain Incinerators that Burn Only Wood Waste, Clean Lumber, and Yard Waste?
  - (i) Keep records of results of all initial and annual opacity tests in either paper copy or electronic format that can be printed upon request, unless the TCEQ approves another format, for at least five years.
  - (ii) Make all records available to the TCEQ and local air pollution control agency having jurisdiction.
  - (iii) Keep 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):
  - (i) Prior to startup of the ACI, submit:
    - (I) Notification of intent to startup the ACI.
    - (II) A record of the planned initial startup date.
    - (III) A record of the types of materials to be burned in the ACI.
  - (ii) Submit the results (each six-minute average) of the initial opacity tests no later than 60 days following the initial test and annual opacity test results within 12 months following the previous report.
  - (iii) Submit initial and annual opacity test reports as electronic or paper copy on or before the applicable submittal date.
- (17) The permit holder shall comply with 30 TAC Chapter 101 (General Air Quality Rules):
  - (A) 30 TAC § 101.1 (Definitions).
  - (B) 30 TAC § 101.3 (Circumvention):
    - (i) No person shall use any plan, activity, device, or contrivance which the 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 § 101.8 (Sampling).
  - (D) 30 TAC § 101.10 (Emissions Inventory Requirements).
  - (E) 30 TAC § 101.201 (Emissions Event Reporting and Recordkeeping Requirements).

- (F) 30 TAC § 101.211 (Scheduled Maintenance, Startup, and Shutdown Reporting and Recordkeeping Requirements).
  - (G) 30 TAC § 101.221 (Operational Requirements).
  - (H) 30 TAC § 101.222 (Demonstrations).
  - (I) 30 TAC § 101.223 (Actions to Reduce Excessive Emissions).
- (18) The permit holder shall comply with the requirements of 30 TAC Chapter 113, Subchapter C, § 113.100 (General Provisions (40 Code of Federal Regulations Part 63, Subpart A)) for units subject to any subpart of 40 CFR Part 63, National Emission Standards for Hazardous Air Pollutants for Source Categories, unless otherwise stated in the applicable subpart.
  - (19) Emission units subject to 40 CFR Part 63, Subpart ZZZZ as identified in the application are subject to 30 TAC Chapter 113, Subchapter C, § 113.1090, which incorporates the 40 CFR Part 63 subpart by reference.
- (c) Permit Tables.