

# Texas Commission on Environmental Quality

## INTEROFFICE MEMORANDUM

**To:** Air Permits Division Staff **Date:** November 7, 2008

**Thru:** Richard A. Hyde, P.E., Director, Air Permits Division *PH*

**From:** Anne M. Inman, P.E., Manager, Rules Registration Section, Air Permits Division *AMI*

**Subject:** Re-registration (Renewal) of Permit by Rule §106.496 to synchronize with General Operating Permit #518 Initial Authorization to Operate

### Action:

Companies may submit re-registrations for Permit by Rule (PBR) §106.496 Air Curtain Incinerators (ACI) earlier than the 5-year requirement of §106.496 when the Air Permits Division is simultaneously reviewing an application for the General Operating Permit (GOP) #518 in order to synchronize both the facility's NSR and Title V authorizations. Staff in the Rules Registration Section will review both of these actions at the same time and, if all requirements are met, issue a combined PBR and GOP authorization with acceptance and renewal dates which are the same. Allowing voluntary early re-registration of the PBR will allow regulated entities and the agency to monitor a single date for required reauthorizations at the required 5-year intervals.

### Background:

PBR §106.496 was amended on June 30, 2004 by the Commission to update the technical requirements regarding materials, emission releases, and equipment parameters; expand the scope of the PBR to include aboveground units; eliminate unnecessary registration for relocation of portable facilities; and specify the minimum necessary compliance demonstrations and records needed for practical enforceability. As a part of this amendment, the Commission added a requirement for re-registration for all ACIs when any notice of enforcement is issued by the commission to the owner or operator of an ACI facility or every five years, whichever occurs first. This re-registration allows the Commission to check the compliance history of the facility and operator, as well as reconfirm that the facility continues to meet the technical requirements of the PBR. While the rule requires a re-registration, internal APD processing procedures refer to this action as a renewal. However, this action is not statutorily or regulatorily subject to permit renewal procedures or requirements that NSR permits and standard permits must meet.

GOP #518 was adopted on June 1, 2007 by the Commission based on the requirements of 30 TAC §122, Subchapter F. GOP #518 was developed for use by permanent and temporary ACIs (both fireboxes and trench burners) used for disposal of 100 % wood waste, clean lumber or a mixture that are subject to 40 CFR Part 62, Subpart III (Federal Plan Requirements for Commercial and Industrial Solid Waste Incineration Units That Commenced Construction On or Before November 30, 1999) or 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). Per the requirements of §122.505, the authorization to operate under GOP #518 is on a five year cycle and requires that all ACIs comply with the requirements of 30 TAC § 106.496 (Air Curtain Incinerators), including previous versions.