

40 CFR 60 Subpart Db - Rule Interpretation Memos

- ! [Typographical error in citations §60.45b\(c\)\(4\) and §60.45b\(c\)\(5\)](#) [March 31, 1997]
- ! [Typographical error in citation §60.49b\(c\)](#) [February 2, 1998]
- ! [Coal-fired and oil-fired does not restrict units to firing 100% coal or oil\(c\)](#) [June 17, 1998]
- ! [Applicability of steam generator greater than 250 MMBtu/hr to 40 CFR, Subpart D and Db](#)
[March 30, 2000]

Last Modified: March 30, 2000

Rule Interpretation Summary Form

REQUEST:

Rule/Regulation Citation(s):	Federal Rule: <u> X </u> State Regulation: <u> __ </u>
40 CFR, Subpart Db §§60.45b(c)(4), 60.45b(c)(5)	Description: Subpart Db - Standards of performance for Industrial Commercial Institutional Steam Generating Units
Interpretation Request:	
<p>Question 1. §60.45b(c)(4) states “The owner or operator of an affected facility subject to paragraph (b)(3) of this section...”. However, §60.45b(b)(3) does not exist in this section. Should the reference be (c)(3) [i.e., §60.45b(c)(3)]? and</p> <p>Question 2. §60.45b(c)(5) states “... to measure parameters Ew or Xk under paragraph (b)(3) of this section...”. However, §60.45b(b)(3) does not exist in this section. Should the reference be (c)(3) [i.e., §60.45b(c)(3)]?</p>	

DETERMINATION:

Summary of Request:
<p>Question #1: §60.45b(c)(4) states “The owner or operator of an affected facility subject to paragraph (b)(3) of this section...”. However, §60.45b(b)(3) does not exist in this section. Should the reference be (c)(3) [i.e., §60.45b(c)(3)]?</p> <p>Question #2: §60.45b(c)(5) states “... to measure parameters Ew or Xk under paragraph (b)(3) of this section...”. However, §60.45b(b)(3) does not exist in this section. Should the reference be (c)(3) [i.e., §60.45b(c)(3)]?</p>
Determination:
§§60.45b(c)(4) and (5) should both reference §60.45b(c)(3) instead of §60.45b(b)(3), which does not exist.

Rule Interpretation Summary Form

Rule/Regulation Citation(s):	Federal Rule: <u>X</u> State Regulation: <u> </u> Description:
40 CFR Part 60, Subpart Db	Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units
Interpretation Request:	
Section 60.49b(c) references § 60.49b(j) with respect to maintaining records for nitrogen oxides (NO _x). However § 60.49b(j) states that quarterly reports regarding sulfur dioxide (SO ₂) requirements shall be submitted accordingly. Is this the correct reference?	
Determination:	
Section 60.49b(c) references § 60.49b(j). This reference is incorrect. The correct reference should be §60.49b(o).	

Rule Interpretation Summary Form

Rule/Regulation Citation(s):	Federal Rule: <u> X </u> State Regulation: <u> ___ </u>
40 CFR Part 60, Subpart Db	Description Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units
Interpretation Request:	
The affected facilities in Title 40 Code of Federal Regulations (CFR) § 60.40b(b)(1)-(4) are <i>coal-fired</i> or <i>oil-fired</i> . Does 40 CFR 60 Subpart Db apply to facilities which are fueled by coal or oil in combination with other fuels?	
Determination:	
The <i>coal-fired</i> or <i>oil-fired</i> affected facilities in 40 CFR § 60.40b(b)(1)-(4) are not restricted to firing 100% <i>coal</i> or <i>oil</i> only. The terms <i>coal-fired</i> and <i>oil-fired</i> include the use of these fuels in combination with other fuels. However, if firing a combination of coal and oil, the affected facility is considered <i>coal-fired</i> and is subject to the appropriate <i>coal-fired</i> emission limitations within 40 CFR Subpart Db.	

Air Rule Interpretation Summary Form

Code Number	60D.004 60D_b.004
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Applicability of steam generator greater than 250 MMBtu/hr to 40 CFR 60, Subpart D and Db	March 30, 2000
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Rule/Regulation Citation(s):	Federal Rule: <u> X </u> State Regulation: <u> __ </u>
40 C.F.R. Part 60, Subpart D, § 60.40	Standards of Performance for Fossil-Fuel-Fired Steam Generators for Which Construction Is Commenced After August 17, 1971
40 C.F.R. Part 60, Subpart Db, § 60.40b	Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units
Interpretation Request:	
Is a steam generating unit, which is greater than 73 MW (250 million Btu per hour), constructed after June 19, 1986 subject to the requirements of Title 40 Code of Federal Regulations (C.F.R.) Part 60, Subpart Db and 40 C.F.R. Part 60, Subpart D or only 40 C.F.R. Part 60, Subpart Db?	
Determination:	
Steam generating units, which are greater than 73 MW (250 million Btu/hour) and constructed after June 19, 1986, are not subject to the requirements of 40 C.F.R. Part 60, Subpart D.	

Bibliography:

- 49 Fed. Reg. 25,102-25,157 (1984). [June 19, 1984]
- 51 Fed. Reg. 22,384-22,419 (1986). [June 19, 1986]
- 51 Fed. Reg. 42,768-42,797 (1986). [November 25, 1986]
- 52 Fed. Reg. 47,826-47,856 (1987). [December 16, 1987]
- Title 40 C.F.R. Part 60, Subpart Db. [Revised July 1, 1999]
- Title 40 C.F.R. Part 60, Subpart D. [Revised July 1, 1999]

Letter from Frank DeVooght, P.E., Engineering Services Section, Enforcement Division to David K. Arnosky, International Technology Corporation (September 13, 1996).

Please note, in the event that an external customer feels that this rule interpretation is in error or a source of information has been overlooked which would change the determination, a request for reconsideration may be submitted. Requests must be submitted on a Reconsideration Process Form which is available at the TNRCC's homepage: <http://www.tnrcc.state.tx.us/air/opd/rimhmpg.htm>, or from any of the air rule interpretation team members.

Letter from John P. Survis, Engineering Services Section, Enforcement Division to Suzanne Stevens, Environmental Engineer, Destec Energy, Incorporated (February 7, 1996).

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