

## 40 CFR 60 Subpart Kb - Rule Interpretation Memos

- [Typographical error in citation §60.115b\(b\)](#) [January 9, 1997 ]
- [Typographical error in citation §60.115b\(a\)\(4\)](#) [January 9, 1997 ]
- [Determination of compliance demonstration requirements under §60.112b\(a\)\(3\)\(I\)](#) [October 22, 1997]
- [Applicability of Subpart K, Ka, and Kb to surface reservoirs.](#) [July 19, 1999]
- [Oil-water separators applicability to 40 CFR 60, Subpart QQQ and Kb](#) [July 31, 2000]

Last Modified: July 31, 2000

## Rule Interpretation Summary Form

### ***REQUEST:***

Rule/Regulation Citation(s):	Federal Rule: <u>X</u> State Regulation: __ Description:
40 CFR 60, Subpart Kb, §60.115b(b)	Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction Reconstruction, or Modification Commenced after July 23, 1984
Interpretation Request:	
Citation Section (§)60.115b(b) makes a reference to citation §61.112b(a)(2) for control devices. Should the reference be §60.112b(a)(2)?	

### ***DETERMINATION:***

Summary of Request:
Citation §60.115b(b) makes reference to citation §61.112b(a)(2) for control devices. The appropriate reference appears to be §60.112b(a)(2).
Determination:
Citation §60.115b(b) makes reference to citation §61.112b(a)(2) for control devices. The reference should be §60.112b(a)(2).

## Rule Interpretation Summary Form

***REQUEST:***

Rule/Regulation Citation(s):	Federal Rule: <u> X </u> State Regulation: <u>  </u> Description:
40 CFR 60, Subpart Kb, §60.115b(a)(4)	Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction Reconstruction, or Modification Commenced after July 23, 1984
Interpretation Request:	
Citation Section (§)60.115b(a)(4) makes a reference to citation §61.112b(a)(1) for control devices. Should the reference be §60.112b(a)(1)?	

***DETERMINATION:***

Summary of Request:
Citation §60.115b(a)(4) makes reference to citation §61.112b(a)(1) for control devices. The appropriate reference appears to be §60.112b(a)(1).
Determination:
Citation §60.115b(a)(4) makes reference to citation §61.112b(a)(1) for control devices. The reference should be §60.112b(a)(1).

# Rule Interpretation Summary Form

## **REQUEST:**

Rule/Regulation Citation(s):	Federal Rule: <u> X </u> State Regulation: <u> ___ </u> Description:
40 CFR 60, Subpart Kb	New Source Performance Standards (NSPS) Subpart Kb - Standards of Performance for Volatile Organic Liquid Storage Vessels (including Petroleum Liquid Storage Vessels) for which Construction, Reconstruction, or Modification Commenced after July 23, 1984.
Interpretation Request:	
Determine whether the owner/operator of a facility that is subject to the U.S. Environmental Protection Agency (EPA) Test Method 21 (Method 21) monitoring of a closed vent system and control device according to specifications of § 60.112b(a)(3)(i) is required to keep records and report results to demonstrate compliance under Subpart A, Subpart Kb, or Subpart VV. Is the test considered a performance test?	

## **DETERMINATION:**

Summary of Request:
Determine whether the owner/operator of a facility that is subject to the EPA Test Method 21 (Method 21) measurement of a closed vent system and control device according to specifications of § 60.112b(a)(3)(i) is required to keep records and report results to demonstrate compliance under Subpart A, Subpart Kb, or Subpart VV. Is the test considered a performance test?
Determination:
The Method 21 test under Subpart Kb is not considered a performance test under § 60.8 since Method 21 is considered a screening measurement rather than a performance test. The Method 21 test is subject to the recordkeeping requirements in the General Provisions of § 60.7(f). The results are not required to be reported by either Subparts A or Subpart Kb.

## Air Rule Interpretation Summary Form

Code Number	60K.001 60K_a.001 60K_b.004
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Applicability of Subpart K, Ka, and Kb to surface reservoirs.	July 19, 1999
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Rule/Regulation Citation(s):	Federal Rule: <u>X</u> State Regulation: <u>  </u>
	Description:
40 C.F.R. Part 60, Subpart K § 60.110, Subpart Ka § 60.110a, and Subpart Kb § 60.110b	Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978, and After May 18, 1978 and Prior to July 23, 1984.  Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984.
Interpretation Request:	
Are brine ponds and other surface impoundments subject to the storage vessel requirements of Title 40 Code of Federal Regulation (C.F.R.) Part 60, Subpart K, Ka, and/or Kb?	
Determination:	
Because brine ponds and other surface impoundments were not considered in the source category of storage vessels used to store petroleum, petroleum products, or volatile organic liquids when the standards were promulgated, brine ponds and surface impoundments are not subject to the requirements of 40 C.F.R. Part 60, Subpart K, Ka, and/or Kb.	

**Bibliography:**

Title 40 C.F.R. Part 60, Subpart K (July 1, 1997).

Title 40 C.F.R. Part 60, Subpart Ka (July 1, 1997).

Title 40 C.F.R. Part 60, Subpart Kb (July 1, 1997).

38 Fed. Reg. 11,506-10 (June 11, 1973).

39 Fed. Reg. 9,317 (March 8, 1974).

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.

[ AOPDG95A/12244-v2]

## Air Rule Interpretation Summary Form

Code Number	60QQQ.001 60K_b.005
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Oil-water separators applicability to 40 CFR 60, Subpart QQQ and Kb.	July 31, 2000
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Rule/Regulation Citation(s):	Federal Rule: <u>X</u> State Regulation: <u>  </u>
	Description:
40 C.F.R. Part 60, Subpart QQQ	Standards of Performance for VOC Emissions from Petroleum Refinery Wastewater Systems.
40 C.F.R. Part 60, Subpart Kb	Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced after July 23, 1984.
Interpretation Request:	
Is an oil-water separator, subject to 40 Code of Federal Regulation (C.F.R.) Part 60, Subpart QQQ, also subject to the storage vessel requirements of 40 C.F.R. Part 60, Subpart Kb?	
Determination:	
An oil-water separator, which meets the definition of a storage vessel in 40 C.F.R. § 60.111b(j), is subject to both 40 C.F.R. Part 60, Subparts QQQ and Kb. However, based on the exemption contained in 40 C.F.R. § 60.692-3(d), storage vessels subject to the control requirements of 40 C.F.R. Part 60, Subpart Kb [§ 60.112b] are not subject to the requirements of 40 C.F.R. § 60.692-3.	

Bibliography:

Title 40 C.F.R. Part 60, Subpart QQQ (July 1, 1999).

Title 40 C.F.R. Part 60, Subpart Kb (July 1, 1999).

52 Fed. Reg. 11,420-34 (April 8, 1987).

53 Fed. Reg. 47,616-26 (Nov. 23, 1988).

59 Fed. Reg. 36,130 (July 15, 1994).

60 Fed. Reg. 43,259 (Aug. 18, 1995).

Interpretation/Opinion R5-112.008/R5-121.010.

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Interpretation/Opinion 60K.001/60K\_a.001/60K\_b.004.

Title 30 Tex. Admin. Code Chapter 115 (1999) [Effective Nov. 18, 1999]

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/rmhmpg.htm>, or from any of the air rule interpretation team members.

39 Fed. Reg. 20,790-91 (June 14, 1974).

42 Fed. Reg. 37,936-37 (July 25, 1977).

49 Fed. Reg. 29,698 (July 23, 1984).

52 Fed. Reg. 11,420 (April 8, 1987).

Interpretation/Opinion R5-112.007/R5-121.008.

EPA Publication 450381003B *VOC Emissions from Volatile Organic Liquid Storage Tanks: Background Information for Promulgated Standards.*

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/rmhmpg.htm>, or from any of the air rule interpretation team members.

[ AOPDG95A/12244-v2]