

40 CFR 60 Subpart VV - Rule Interpretation Memos

- ! [Determination of alternative standards for valves.](#) [October 22, 1996]
- ! [Typographical error in citation §60.482 - 3\(j\).](#) [June 16, 1997]
- ! [Typographical error in §60.483-2\(a\)\(2\).- RETIRED](#) [December 21, 1998]
- ! [Typographical error in §60.483-1\(b\)\(1\).- RETIRED](#) [December 21, 1998]
- ! [Does the exemption in 40 CFR 60.482-4\(c\) apply to closed vent systems using vapor balance technology?](#) [April 11, 2001]
- ! [Applicability of §60.485\(e\) to equipment in heavy liquid service](#) [April 9, 2002]
- ! [Applicability of ongoing fugitive monitoring requirements for components placed on “delay of repair” status](#) [February 14, 2003]
- ! [Applicability of 40 CFR 60 Subpart VV and RRR to a facility using a listed chemical as a solvent or as an ingredient for an unlisted product.](#) [June 2, 2003]
- ! [Applicability of Subpart VV to toll processors/manufacturers](#) [October 30, 2003]

Last Modified: October 30, 2003

Rule Interpretation Summary Form

REQUEST:

Rule/Regulation Citation(s):	Federal Rule: <u> X </u> State Regulation: <u> __ </u>
40 CFR 60, Subpart VV	Description: Standards of Performance for Equipment Leaks of volatile organic compounds in the Synthetic Organic Chemicals Manufacturing Industry
Interpretation Request:	
Determination of whether the alternative standards in 40 Code of Federal Regulations, (40 CFR 60.483-1) Section (§) 60.483-1 and §60.483-2 are allowed for all valves, or only for valves in gas/vapor or light liquid service.	

DETERMINATION:

Summary of Request:
<p>The Operating Permits Division requested clarification on if valves in heavy liquid service are required to always comply with 40 CFR 60, §60.482-8, or if the alternate provisions of §60.483-1 or -2 may be substituted. The following opinion has been formed based on a review of the rule and discussions with the U.S. Environmental Protection Agency (EPA) Region 6 staff.</p>
Determination:
<p>After review by the Rule Interpretation Team, the team concurred with the following determination made by the Engineering Services Section:</p> <p>Unless the EPA has determined that some other emissions limitation is equivalent to §60.482-8 pursuant to §60.482-1 and §60.484, valves in heavy liquid service are always required to comply with §60.482-8, and that in general, the provisions of §60.483-1 or -2 may not be substituted for the standards in §60.482-8, except where the standards are identical. (Both §60.482-8 and §60.483 use the same Method 21 procedure for monitoring and the same time limits for leak repairs. They only differ in that no systematic Method 21 monitoring is required for §60.482-8, unless a leak becomes apparent.)</p> <p>In summary, unless the EPA has granted an equivalency determination for some other form of control, whenever it is noticed that a valve in heavy liquid service is potentially leaking, the valve must be monitored and repaired (if necessary), as outlined in §60.482-8. A facility may not delay the monitoring/repair until the next scheduled monitoring period as would be permitted by §60.483 unless the EPA has approved the §60.483 standards as equivalent to §60.482-8.</p>

Rule Interpretation Summary Form

REQUEST:

Rule/Regulation Citation(s):	Federal Rule: <u> X </u> State Regulation: <u> ___ </u> Description:
40 CFR 60, Subpart VV	Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry
Interpretation Request:	
In Title 40 Code of Federal Regulations (CFR) § 60.482-3(j) reference is made to § 60.482(a), (b), (c), (d), (e) and (h). Should the reference be to § 60.482-3(a), (b), (c), (d), (e), and (h)?	

DETERMINATION:

Summary of Request:
In Title 40 Code of Federal Regulations, § 60.482-3(j) reference is made to § 60.482(a), (b), (c), (d), (e), and (h). Should the reference be to § 60.482-3(a), (b), (c), (d), (e), and (h)?
Determination:
The reference should be to § 60.482-3(a), (b), (c), (d), (e), and (h)

Retired as a result of amendments to 40 CFR Part 60, Subpart VV adopted on 10/17/2000 (Federal Register, Volume 65, pg. 61744)

Last Modified: October 17, 2000

Retired as a result of amendments to 40 CFR Part 60, Subpart VV adopted on 10/17/2000 (Federal Register, Volume 65, pg. 61744)

Last Modified: October 17, 2000

Air Rule Interpretation Summary Form

Code Number	60VV.005
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Does the exemption in 40 CFR 60.482-4(c) apply to closed vent systems using vapor balance technology?	April 11, 2001
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Rule/Regulation Citation(s):	Federal Rule: <u>X</u>	State Regulation: <u> </u>
40 C.F.R. Part 60, Subpart VV § 60.482-4(c)	Description: Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry	

Interpretation Request:

Title 40 Code of Federal Regulations (C.F.R.) § 60.482-4(c) specifies that pressure relief devices equipped with a closed vent system capable of capturing and transporting leakage through the pressure relief device to a control device are exempt from the requirements of 40 C.F.R. §§ 60.482-4(a) and (b). Is a pressure relief device, equipped with a closed vent system which captures and transports leakage back into process equipment, exempt from the requirements of 40 C.F.R. §§ 60.482-4(a) and (b) through 40 C.F.R. § 60.482-4(c)?

Determination:

A pressure relief device, equipped with a closed vent system which captures and transports leakage back into process equipment for recovery and reuse, meets the exemption criteria in 40 C.F.R. § 60.482-4(c). Therefore, any pressure relief device that is equipped with a closed vent system which routes emissions from the pressure relief device back into the process for recovery and reuse, is exempt from the requirements of 40 C.F.R. §§ 60.482-4(a) and (b). However, the closed vent system which routes emissions from the pressure relief device back into the process is subject to the closed vent system requirements of 40 C.F.R. § 60.482-10. Please note that this determination does not make the process subject to the closed vent system standards of 40 C.F.R. § 60.482-10.

Bibliography:

- Title 40 C.F.R. Part 60, Subpart VV (1999).
- Title 40 C.F.R. Part 60, Subpart NNN (1999).
- 46 Fed. Reg. 1140 (Proposed: Jan. 5, 1981).
- 48 Fed. Reg. 48,328 (Final: Oct. 18, 1983).
- 59 Fed. Reg. 36,130 (Amended: July 15, 1994).

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.

U.S. Environmental Protection Agency, Applicability Determination Index, Control Number: 9400021 (Jan. 11, 1993).

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.

Air Rule Interpretation Summary Form

Code Number	60VV.006
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Applicability of §60.485(e) to equipment in heavy liquid service	April 9, 2002
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Rule/Regulation Citation(s):	Federal Rule: <u> X </u> State Regulation: <u> </u>
40 CFR Part 60, Subpart VV § 60.485(e)	Description: Standards of Performance for Equipment Leaks of VOC [volatile organic compounds] in the Synthetic Organic Chemicals Manufacturing Industry
Interpretation Request:	
Does Title 40 Code of Federal Regulations (CFR) § 60.485(e) apply to equipment “in heavy liquid service?” In addition, does the owner or operator have to maintain records pertaining to the information in 40 CFR § 60.485(e) for all equipment “in light or heavy, if applicable, liquid service?”	
Determination:	
Equipment “in heavy liquid service” is not specifically subject to the requirements of 40 CFR § 60.485(e). However, some analysis is necessary to establish that equipment is actually being used in heavy liquid service to determine applicable requirements under Subpart VV. For equipment “in light liquid service,” the owner or operator of the facility should maintain the analysis specified in § 60.485(e).	
In cases where 40 CFR 60 Subpart VV does not specifically require testing or documentation to claim heavy liquid service, the U.S. Environmental Protection Agency (EPA) and/or TNRCC may still request sampling or documentation to confirm the appropriate liquid service classification, under authority of the Federal Clean Air Act § 114, or Texas Clean Air Act § 382.016, respectively.	

Bibliography:

46 Fed. Reg. 1136 (1981). [Jan. 5, 1981]

48 Fed. Reg. 48328 (1983). [Oct. 18, 1983]

40 CFR Part 60, Subpart VV (2000). [July 1, 2000]

40 CFR Part 63, Subpart H (2001). [July 1, 2000]

U.S. Environmental Protection Agency Determination Detail, Control Number: 9800091. [Mar. 3, 1998]

Air RIT Rule Interpretation/Opinion Code #: 60VV.006

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/permitting/airperm/opd/rimhmpg.htm>, or from any of the air rule interpretation team members.

Air Rule Interpretation Summary Form

Code Number	60VV.007 61V.002
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Applicability of ongoing fugitive monitoring requirements for components placed on “delay of repair” status.	February 14 2003
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Rule/Regulation Citation(s):	Federal Rule: <u> X </u> State Regulation: <u> __ </u> Description:
40 CFR Part 60 Subpart VV § 60.482-7(c)(2)	Standards of Performance for Equipment Leaks of VOC [volatile organic compounds] in the Synthetic Organic Chemical Manufacturing Industry
40 CFR Part 61 Subpart V § 61.242-7(c)(2)	National Emission Standard for Equipment Leaks (Fugitive Emission Sources)
Interpretation Request:	
Under the provisions of Title 40 Code of Federal Regulations Part 60 (40 CFR Part 60) § 60.482-9 and 40 CFR § 61.242-10, repairs to leaking equipment can be delayed in some circumstances. Is leaking equipment which is placed on “delay of repair” status required to comply with ongoing fugitive monitoring requirements, such as § 60.482-7(a), § 60.482-7(c)(2), § 61.242-7(a), or § 61.242-7(c)(2)?	
Determination:	
The delay of repair provisions only provide flexibility in terms of the repair schedule, and do not alter the applicability or frequency of monitoring under § 60.482-7(a)-(c), or § 61.242-7(a)-(c). A leaking valve on delay of repair status remains subject to monthly monitoring requirements.	

Bibliography:

40 CFR Part 60, Subpart VV (2001). [July 1, 2001]

40 CFR Part 61, Subpart V (2000). [July 1, 2000]

46 Fed. Reg. 1,139 (1981). [Jan. 5, 1981]

46 Fed. Reg. 1,146 (1981). [Jan. 5, 1981]

48 Fed. Reg. 48,328 (1983). [Oct. 18, 1983]

Air RIT Rule Interpretation/Opinion Code#: 60VV.007/61V.002

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 TCEQ's homepage: <http://www.tncc.state.tx.us/permitting/airperm/opd/rimhmpg.htm>, or from any of the air rule interpretation team members.

49 Fed. Reg. 23,498 (1984). [June 6, 1984]

U.S. Environmental Protection Agency Publication EPA-450/3-80-032b, *Benzene Fugitive Emissions-Background Information for Promulgated Standards* (1980).

Air RIT Rule Interpretation/Opinion Code#: 60VV.007/61V.002

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Air Rule Interpretation Summary Form

Code Number	60VV.008 60RRR.001
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Applicability of 40 CFR 60 Subpart VV and RRR to a facility using a listed chemical as a solvent or as an ingredient for an unlisted product.	June 2, 2003
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Rule/Regulation Citation(s):	Description:
40 CFR Part 60, Subpart VV § 60.481	Federal Rule: <u>X</u> State Regulation: <u> </u> Standards of Performance for Equipment Leaks of VOC [volatile organic compounds] in the Synthetic Organic Chemical Manufacturing Industry (SOCMI)
40 CFR Part 60, Subpart RRR § 60.701	Standards of Performance for VOC emissions from synthetic organic chemical manufacturing industry reactor processes

Interpretation Request:

Title 40 Code of Federal Regulations (CFR) Part 60, Subparts VV and RRR apply to units which produce a specified set of chemicals as products, by-products, co-products, or intermediates. These regulations do not clearly indicate what constitutes production of products, by-products, co-products, or intermediates. For example, if a facility uses a listed chemical as a solvent, or as an ingredient in an otherwise-unlisted product mixture, is that facility considered to be producing the listed chemical as a product, by-product, co-product, or intermediate?

Determination:

These regulations apply to process units which produce a listed chemical by the reaction of feedstocks or chemical intermediates. A listed chemical which simply passes through the process unit without reaction is not considered to be produced as a product.

The use of a listed chemical as a solvent does not constitute production of that listed chemical as a product, by-product, co-product, or intermediate. The facility which originally produced the listed chemical may be subject to these regulations.

The use of a listed chemical as an ingredient in an otherwise unlisted product mixture does not constitute production of that chemical as a product, by-product, co-product, or intermediate, unless the product mixture can be sold or used as the listed chemical. The facility which originally produced the listed chemical may be subject to these regulations.

Bibliography:

40 CFR Part 60, Subpart VV (2001). [July 1, 2001]

40 CFR Part 60, Subpart RRR (2001). [July 1, 2001]

58 Fed. Reg. 45948 (1993). [Aug. 31, 1993]

55 Fed. Reg 26953 (1990). [June 29, 1990]

EPA Applicability Determination Index, Control No. 9600057 (1995). [Feb. 16, 1995]

EPA Applicability Determination Index, Control No. 960041 (1994). [Sep. 26, 1994]

EPA Applicability Determination Index, Control No. 9700142 (1994). [Apr. 6, 1994]

EPA Applicability Determination Index, Control No. NS13 (1991). [Apr. 22, 1991]

Air RIT Rule Interpretation/Opinion Code #: 60VV.008/60RRR.001

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 TCEQ's homepage: <http://www.tnrcc.state.tx.us/permitting/airperm/opd/rimhmpg.htm>, or from any of the air rule interpretation team members.

Air Rule Interpretation Summary Form

Code Number	60VV.009
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Applicability of Subpart VV to toll processors/manufacturers.	October 30, 2003
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Rule/Regulation Citation(s):	Federal Rule: <u>X</u> State Regulation: <u> </u>
40 CFR Part 60 Subpart VV § 60.480	Description: Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry
Interpretation Request:	
Clarification was requested on the applicability of Title 40 Code of Federal Regulations (CFR) Part 60, Subpart VV to toll manufacturers, toll processors, and/or specialty chemicals producers. Toll manufacturing is the combination of reactants to make a specific product and toll processing is an operation which recovers and reuses or purifies a product.	
Determination:	
A toll manufacturing operation that produces any of the chemicals listed in 40 CFR § 60.489 as a product, co-product, by-product, or intermediate, is potentially subject to the requirements of 40 CFR Part 60, Subpart VV. The owner or operator of the toll manufacturing operation must review the remainder of the regulation, specifically 40 CFR § 60.480(d), to determination if there are any exemptions which could be applicable. However, a toll processing operation which recovers and reuses any of the chemicals listed in § 60.489 for further purification would not be subject to the requirements of Subpart VV because it is not producing any of the chemicals listed in § 60.489 as a product, co-product, by-product, or intermediate.	

Bibliography:

Air RIT interpretation/opinion 60NNN.001.

40 CFR Part 60, Subpart VV (2002). [July 1, 2002]

Memorandum from Terry Blodgett, TCEQ Engineering Services Team to Karen Atkinson, TCEQ Region 12 Air Program (1997). [Apr. 15, 1997]

Air RIT Rule Interpretation/Opinion Code #: 60VV.009

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 TCEQ's homepage: <http://www.tnrc.state.tx.us/permitting/airperm/opd/rimhmpg.htm>, or from any of the air rule interpretation team members.

Letter from Keith Sheedy, P.E., TCEQ Engineering Services Team to Janet Greenburg, Green Environmental Consulting, Inc. (1998). [Feb. 6, 1998]

Letter from John R. Hepola, EPA Air Enforcement Branch to Linda Key, Entrix, Inc. (1992). [Apr. 28, 1992]

48 Fed. Reg. 48,334 (1983). [Oct. 18, 1983]

46 Fed. Reg. 1,136 (1981). [Jan. 5, 1981]

Air RIT Rule Interpretation/Opinion Code #: 60VV.009

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 TCEQ's homepage: <http://www.tnrcc.state.tx.us/permitting/airperm/opd/rimhmpg.htm>, or from any of the air rule interpretation team members.