

40 CFR 61 Subpart FF - Rule Interpretation Memos

- ! [Revision - Clarification of the monitoring requirements for a non-regenerative carbon adsorption system.](#) [September 18, 2003]

Last Modified: September 18, 2003

Air Rule Interpretation Summary Form

Code Number	61FF.001
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Clarification of the requirements for a non-regenerative carbon adsorption systems.	September 18, 2003
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Rule/Regulation Citation(s):	Federal Rule: <u>X</u> State Regulation: <u> </u>
40 CFR Part 61, Subpart FF § 61.349(h)	Description: National Emission Standards for Benzene Waste Operations

Interpretation Request:

Is a facility using a non-regenerative carbon adsorption system, which is subject to the requirements of Title 40 Code of Federal Regulations (CFR) § 61.349, required to comply with the monitoring requirements of § 61.354(c) or (d)? Section 61.349(h) states that the owner or operator of a control device used to comply with the provisions of § 61.349 shall monitor the control device in accordance with § 61.354(c). However, the monitoring requirements for non-regenerative carbon adsorption systems are contained in § 61.354(d). Is the reference in § 61.349(h) correct or should the reference instead be § 61.354(c) or (d)? In addition, is the reference to the requirements of § 61.354(c), contained in § 61.357(d)(7)(iv)(I), correct or should the reference be to § 61.354(d)? Also, § 61.357(d)(7)(iv) refers only to the monitoring requirements of § 61.354(c). Should § 61.357(d)(7)(iv) refer to both § 61.354(c) and (d)?

Determination:

The omission of the reference in § 61.349(h) to the non-regenerative carbon adsorption system monitoring requirements contained in § 61.354(d) is an error. The reference in § 61.349(h) should be § 61.354(c) or (d). Therefore, § 61.349(h) should read as follows: “The owner or operator of a control device that is used to comply with the provisions of this section shall monitor the control device in accordance with § 61.354(c) or (d) of this subpart.” Carbon adsorption systems which do not regenerate the carbon directly in the control device are subject to § 61.354(d), not § 61.354(c).

The reference to § 61.354(c), which is contained in § 61.357(d)(7)(iv)(I), is an error and should be to § 61.354(d). Section 61.357(d)(7)(iv)(I) should read as follows: “Each occurrence when the carbon in a carbon adsorber system that is not regenerated directly on site in the control device is not replaced at the predetermined interval specified in § 61.354(d) of this subpart.”

Also, § 61.357(d)(7)(iv) should reference both § 61.354(c) and (d) instead of just § 61.354(c). Section 61.357(d)(7)(iv) should read as follows: “For a control device monitored in accordance with § 61.354(c) or (d) of this subpart, each period of operation monitored”

Bibliography:

40 CFR Part 61, Subpart FF (2002). [July 1, 2002]

54 Fed. Reg. 38,130 (1989). [Sept. 14, 1989]

55 Fed. Reg. 8352 (1990). [Mar. 7, 1990]

57 Fed. Reg. 8023 (1992). [Mar. 5, 1992]

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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.