

40 CFR 63 Subpart CC - Rule Interpretation Memos

- ! [Determine if the Reference to 40 CFR §60.482 in 40 CFR Part 63, Subpart CC, §63.648\(f\) should instead be to 40 CFR Part 60, Subpart VV, §60.482-2.](#) [April 7, 1999]
- ! [Clarification of the affected source at a refinery as it relates to reconstruction.](#) [December 16, 2002]
- ! [Clarification of leak testing frequency for gasoline cargo tanks as specified in 40 CFR 63.425\(f\), \(g\), and \(h\).](#) [February 14, 2003]
- ! [Applicability of Subpart Y and CC to marine loading operations contiguous with refinery operations](#) [August 1, 2003]

Last Modified: August 1, 2003

Air Rule Interpretation Summary Form

Code Number	63CC.001
Date	April 7, 1999

Rule/Regulation Citation(s):	Federal Rule: <u> X </u> State Regulation: <u> </u>
	Description:
40 C.F.R. Part 63, Subpart CC § 63.648(f)	National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries
Interpretation Request:	
Title 40 Code of Federal Regulation (C.F.R.) § 63.648(f) states that “Reciprocating pumps in light liquid service are exempt from § 63.163 and § 60.482 if recasting the distance piece or reciprocating pump replacement is required.” Section 60.482 does not exist. Is the correct citation § 60.482-2?	
Determination:	
The reference to 40 C.F.R. § 60.482 in 40 C.F.R. Part 63, Subpart CC, § 63.648(f) should instead be to 40 C.F.R. Part 60, Subpart VV, § 60.482-2.	

Bibliography:

Title 40 C.F.R. § 60.482-2 (July 1, 1997)

Title 40 C.F.R. § 63.648(f) (July 1, 1997)

Title 40 C.F.R. § 63.163 (July 1, 1997)

60 Fed. Reg. 43,271 (1995) (August 18, 1995)

Air Rule Interpretation Summary Form

Code Number	63CC.002 R3-340.001
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Clarification of the affected source at a refinery as it relates to reconstruction.	December 16, 2002
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Rule/Regulation Citation(s):	Federal Rule: <u>X</u> State Regulation: <u>X</u>
	Description:
40 CFR Part 63, Subpart CC, § 63.640(j)	National Emission Standards for Hazardous Air Pollutants From Petroleum Refineries
30 TAC Chapter 113, § 113.340	Petroleum Refineries (40 CFR Part 63, Subpart CC)
Interpretation Request:	
If a change is made to an individual process unit at a refinery that is an existing source for purposes of Title 40 Code of Federal Regulations (CFR) Part 63 Subpart CC, does the 40 CFR § 63.2 definition of reconstruction apply to the individual process unit or does it apply to the entire refinery?	
Determination:	
In 40 CFR Part 63 Subpart CC the affected source is the entire refinery. Therefore, the reconstruction must exceed 50 percent of the cost required to build a new affected facility or a whole new refinery.	

Bibliography:

U.S. Environmental Protection Agency, *National Emission Standards for Hazardous Air Pollutants: Petroleum Refineries - Background Information for Final Standards: Summary of Public Comments and Response* (July 1995).

60 Fed. Reg. 43,243 (1995). [Aug. 18, 1995]

61 Fed. Reg. 29,875 (1996). [June 12, 1996]

63 Fed. Reg. 44,135 (1998). [Aug. 18, 1998]

66 Fed. Reg. 28,840 (2001). [May 25, 2001]

U.S. Environmental Protection Agency, *Questions and Answers For The Refinery MACT I Rule*

Air RIT Rule Interpretation/Opinion Code #: 63CC.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 TNRCC's homepage: <http://www.tnrcc.state.tx.us/permitting/airperm/opd/rmhmpg.htm>, or from any of the air rule interpretation team members.

(Nov. 20, 1998).

Air RIT Rule Interpretation/Opinion Code #: 63CC.002/R3-340.001

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Air Rule Interpretation Summary Form

Code Number	63R.001 63CC.003 R3-230.001 R3-340.002
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Clarification of leak testing frequency for gasoline cargo tanks as specified in 40 CFR 63.425(f), (g), and (h).	February 14, 2003
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Rule/Regulation Citation(s):	Federal Rule: <u>X</u> State Regulation: <u>X</u> Description:
40 CFR Part 63, Subpart R, § 63.425	National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations)
40 CFR Part 63, Subpart CC, § 63.650	National Emission Standards for Hazardous Air Pollutants From Petroleum Refineries
30 TAC Chapter 113, § 113.230	Gasoline Distribution Facilities (incorporated by reference)
30 TAC Chapter 113, § 113.340	Petroleum Refineries (incorporated by reference)
Interpretation Request:	
What is the frequency of leak detection testing, nitrogen pressure decay field testing, and continuous performance pressure decay testing as defined in Title 40 Code of Federal Regulations (CFR) § 63.425(f) - (h) respectively as referenced from § 63.650(a).	
Determination:	
The leak detection testing, nitrogen pressure decay field testing, and continuous performance pressure decay tests defined in § 63.425(f) - (h) do not specify frequency of testing, but can be administered at any time to insure the validity of the annual certification defined in § 63.425(e).	

Bibliography:

40 CFR 63, Subpart R (2001). [July 1, 2001]

40 CFR 63, Subpart CC (2001). [July 1, 2001]

59 Fed. Reg. 5868 (1994). [Feb. 8, 1994]

59 Fed. Reg. 64318 (1994). [Dec. 14, 1994]

Air RIT Rule Interpretation/Opinion Code #: 63R.001/63CC.003/R3-230.001/R3-340.002

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EPA Applicability Determination Index, Control No. 0000085 (1999). [Oct. 22, 1999]

Air RIT Rule Interpretation/Opinion Code #: 63R.001/63CC.003/R3-230.001/R3-340.002

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Air Rule Interpretation Summary Form

Code Number	63Y.001 63CC.004
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Applicability of Subpart Y and CC to marine loading operations contiguous with refinery operations	August 1, 2003
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Rule/Regulation Citation(s):	Federal Rule: <u> X </u> State Regulation: <u> __ </u>
40 CFR Part 63 Subpart Y § 63.560(d)(3)	Description: National Emission Standards for Marine Tank Vessel Loading Operations
40 CFR Part 63 Subpart CC § 63.651(a)	National Emission Standards for Hazardous Air Pollutants From Petroleum Refineries
Interpretation Request:	
Do the standards specified in Title 40 Code of Federal Regulations (CFR) § 63.562(b)(2), (3), and (4) apply to a marine tank vessel loading operation that is contiguous with refinery operations which is subject to the requirements of 40 CFR Part 63 Subpart CC (§ 63.651)?	
Determination:	
The standards specified in 40 CFR § 63.562(b)(2), (3), and (4) apply to marine tank vessel loading operations, contiguous with a refinery, which are subject to the requirements of 40 CFR § 63.651 contained in 40 CFR Part 63 Subpart CC.	

Bibliography:

40 CFR Part 63, Subpart Y (2002). [July 1, 2002]

40 CFR Part 63, Subpart CC (2002). [July 1, 2002]

60 FR 43,247 (1995). [Aug. 18, 1995]

60 FR 43,248 (1995). [Aug. 18, 1995]

Petroleum Refinery MACT Standard Guidance (EPA/456-B-00-001), U.S. EPA, (2000). [Nov. 2000]

Air RIT Rule Interpretation/Opinion Code #: 63Y.001/63CC.004

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