

40 CFR 63 Subpart F - Rule Interpretation Memos

- ! [Clarification on whether monitoring cooling water directly for the presence of HAPs is considered surrogate monitoring.](#) [July 11, 2003]

Last Modified: July 11, 2003

Air Rule Interpretation Summary Form

Code Number	63F.001
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Clarification on whether monitoring cooling water directly for the presence of HAPs is considered surrogate monitoring.	July 11, 2003
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Rule/Regulation Citation(s):	Federal Rule: <u>X</u>	State Regulation: <u> </u>	Description:
40 CFR Part 63, Subpart F, § 63.104	National Emission Standards for Organic Hazardous Air Pollutants (HAPs) from the Synthetic Organic Chemical Manufacturing Industry		

Interpretation Request:

Title 40 Code of Federal Regulations § 63.104(a) [40 CFR § 63.104(a)] requires facilities to monitor heat exchange systems either according to the provisions of § 63.104(b) or § 63.104(c). Section 63.104(b) covers direct monitoring for hazardous air pollutants (HAPs). Section 63.104(c) allows a facility to monitor for surrogate indicators, such as ion specific electrode monitoring, pH, conductivity, or other representative indicators. Does a facility qualify for the monitoring of surrogate indicators under § 63.104(c) if it monitors cooling water qualitatively for the presence of specific HAPs?

Determination:

Monitoring cooling water directly for the presence of one or more HAPs is subject to the requirements of § 63.104(b). This type of monitoring does not qualify as monitoring a surrogate indicator; therefore, the surrogate monitoring requirements of § 63.104(c) are not appropriate. Regulated facilities that directly monitor cooling water for the presence of one or more HAPs are required to use a method enumerated in 40 CFR Part 136. However, the owner or operator may request approval from the Administrator to use an alternative method, as specified in § 63.104(b)(3), or may implement surrogate indicator monitoring under § 63.104(c) if an appropriate surrogate indicator is used.

Bibliography:

Jarecki v. G. D. Searle & Co., 367 U.S. 303, 307, 6 L. Ed. 2d 859, 81 S. Ct. 1579 (1961).

United States v. Vonn, 535 U.S. 55, 65, 152 L. Ed. 2d 90, 122 S. Ct. 1043 (2002).

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

61 Fed. Reg. 43698 (1996). [Aug. 26, 1996]

62 Fed. Reg. 2722 (1997). [Jan. 17, 1997]

57 Fed. Reg. 62608 (1992). [Dec. 31, 1992]

Air RIT Rule Interpretation/Opinion Code #: 63F.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.