

40 CFR 63 Subpart HH - Rule Interpretation Memos

- ! [Applicability of 40 CFR 63.769\(a\) \(Subpart HH\) to units that do not meet both the VHAP concentration and VHAP service requirements.](#) [October 26, 2000]

Last Modified; October 26, 2000

Air Rule Interpretation Summary Form

Code Number	63HH.001
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Applicability of 40 CFR 63.769(a) (Subpart HH) to units that do not meet both the VHAP concentration and VHAP service requirements.	October 26, 2000
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Rule/Regulation Citation(s):	Federal Rule: <u> X </u> State Regulation: <u> ___ </u> Description:
40 C.F.R. Part 63, Subpart HH § 63.764(e)(2)	National Emission Standards for Hazardous Air Pollutants: Oil and Natural Gas Production and Natural Gas Transmission and Storage

Interpretation Request:

Title 40 Code of Federal Regulations (C.F.R.) § 63.764(e)(2) contains an exemption from the requirements for equipment leaks (40 C.F.R. § 63.769) if the criteria under 40 C.F.R. §§ 63.764(e)(2)(i) and (ii) are met. The exemption is for ancillary equipment and compressors that contain or contact a fluid with a Volatile Hazardous Air Pollutant (VHAP) concentration less than ten percent by weight, and that operate in VHAP service less than 300 hours per calendar year. The requirements under 40 C.F.R. § 63.769(a) state that ancillary equipment and compressors must contain or contact a fluid with a VHAP concentration equal to or greater than ten percent by weight and must operate in VHAP service equal to or greater that 300 hours per calendar year. If only one of these conditions apply, are the requirements under 40 C.F.R. § 63.769 applicable?

Determination:

Based on 40 C.F.R. § 63.769(a), ancillary equipment and compressors must meet both requirements (VHAP concentration \geq ten percent by weight and operate in VHAP service \geq 300 hr/yr) to be subject to the equipment leak standards. However, if only one condition applies, then 40 C.F.R. § 63.769 does not apply.

Bibliography:

63 Fed. Reg. 6,314 (1998) [Feb. 6, 1998].

64 Fed. Reg. 32,614 (1999) [June 17, 1999].