

### 30 TAC 101 - Rule Interpretation Memos

- ! [Is a flare considered a direct-flame incinerator? - RETIRED](#) [January 5, 2001]
- ! [Typographical error in §101.7\(b\)\(1\)\(E\)–RETIRED](#) [June 29, 2000]
- ! [Reference to maintenance, start-ups, and shutdowns in §§ 101.7\(b\)\(2\) and \(B\)\(2\)\(B\)–RETIRED](#) [June 29, 2000]
- ! [Revision - Applicability of 30 TAC §106.433 to "maintenance touch-ups" or exempt under 101.222](#) [June 10, 2003]
- ! [Are pilot lights subject to the state's air pollution control governing flares?](#)  
[ September 29, 1999]
- ! [Typographical error in 30 TAC 101.11\(b\)\(1\)–Retired](#) [September 12, 2002]
- ! [Revision - Determination of whether vents which are manually lit considered a flare or a process](#) [April 24, 2001]
- ! [Revision - For purposes of 30 TAC Chapters 101, 106, 116, 117, and 122 are portable or transportable engines considered a stationary source?](#) [June 2, 2003]
- ! [Applicability of 115.127\(a\)\(7\) to a catalytic partial oxidation unit.](#) [June 10, 2003]

Last Modified: June 10, 2003

**Retired as a result of amendments to Chapter 101 adopted on 12/1/99 (Rule Log No. 1999-017-101-A1; effective date 12/23/99); and amendments to Chapter 115 and 117 adopted on 12/6/00 (Rule Log Nos. 2000-011i-115-A1 and 2000-011H-117-A1; effective date 1/18/01)**

Last Modified: January 5, 2001

**Retired as a result of a correction in 30 Texas Administrative Code Chapter 101 rule amendments adopted on 6/29/00 and effective on 7/23/00 (Rule log no. 1999-050-101-A1)**

Last Modified: July 23, 2000

**Retired as a result of a correction in 30 Texas Administrative Code Chapter 101 rule amendments adopted on 6/29/00 and effective on 7/23/00 (Rule log no. 1999-050-101-A1)**

Last Modified: July 23, 2000

## Air Rule Interpretation Summary Form

Code Number	R01-222.001 R06-263.001 R06-433.001
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Applicability of §106.433 to “maintenance touch-ups” or exempt under §101.222	June 10, 2003
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Rule/Regulation Citation(s):	Federal Rule: <u>  </u> State Regulation: <u>  X  </u> Description:
30 TAC Chapter 101 § 101.222(c)	Demonstrations Subchapter F: Emissions Events and Scheduled Maintenance, Startup, and Shutdown Activities
30 TAC Chapter 106 § 106.263 (formerly Standard Exemption 70)	Permits By Rule Subchapter K: General
30 TAC Chapter 106 § 106.433 (formerly Standard Exemption 75)	Permits By Rule Subchapter S: Surface Coating

**Interpretation Request:**

1. Whether aircraft maintenance painting operations involving paint guns, brushes, or aerosol paint used to paint certain parts of an aircraft qualify as maintenance activities in 30 Texas Administrative Code (TAC) § 101.222(c), which exempts such activities from the requirements outlined in 30 TAC Chapter 106 and 30 TAC Chapter 116.
2. If such aircraft maintenance painting operations do not qualify for coverage under 30 TAC § 101.222(c) and are required to operate under a permit or permit by rule, whether these maintenance-related coating operations must comply with 30 TAC § 106.433 (formerly Standard Exemption 75) which applies to “Surface Coating.” or whether these operations must comply only with the less stringent 30 TAC § 106.263 (formerly Standard Exemption 70) which covers “Routine Maintenance, Start-up and Shutdown of Facilities, and Temporary Maintenance Facilities.”

**Determination:**

1. The described painting activities cannot be authorized or exempted under 30 TAC § 101.222(c) and must comply with a permit or permit by rule unless they are “grandfathered” activities.
2. The described painting activities cannot use 30 TAC § 106.263 (formerly Standard Exemption 70). Such activities must comply with 30 TAC § 106.433 (formerly Standard Exemption 75), or be authorized by a permit.

This determination only applies to painting activities subject to 30 TAC Chapter 106. This determination does not affect the applicability of 30 TAC Chapter 115 to the described painting activities.

Bibliography:

30 TAC Chapter 101 (2003). [Jan. 17, 2003]

30 TAC Chapter 106 (2002). [Dec. 11, 2002]

March 31, 1998 letter from Mr. James Randall, P.E., Coating and Combustion Section, New Source Review Permits Division, TNRCC to Mr. James Robertson, REM, Chief, Environmental Compliance Section, Department of the Air Force, Dyess Air Force Base.

Air RIT Rule Interpretation/Opinion Code #: R01-222.001/R06-263.001/R06-433.001

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.tnrc.state.tx.us/permitting/airperm/opd/rmhmpg.htm>, or from any of the air  
Air RIT Rule Interpretation/Opinion Code #: R01-222.001/R06-263.001/R06-433.001

## Air Rule Interpretation Summary Form

Code Number	R01-1.002 R1-111.008 R5-10.003 R7-201.004
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Are pilot lights subject to the state's air pollution control regulations governing flares?	September 29, 1999
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Rule/Regulation Citation(s):	Federal Rule: <input type="checkbox"/> State Regulation: <input checked="" type="checkbox"/>
30 Tex. Admin. Code, Chapter 101 § 101.1	Chapter 101, General Rules
30 Tex. Admin. Code, Chapter 111 § 111.111(a)(4)	Chapter 111, Subchapter A: Visible Emissions and Particulate Matter
30 Tex. Admin. Code, Chapter 115 § 115.10	Chapter 115, Subchapter A: Definitions
30 Tex. Admin. Code, Chapter 117 § 117.203(4)	Chapter 117, Subchapter B: Division 2: Commercial, Institutional, and Industrial Sources
<b>Interpretation Request:</b>	
Are pilot lights used to comply with Title 16 Texas Administrative Code (Tex. Admin. Code) Chapter 3, § 3.95, Underground Storage of Liquid or Liquefied Hydrocarbons in Salt Formations, subject to the flare requirements contained in 30 Tex. Admin. Code Chapters 111 and 117, and can they be used to satisfy the control requirements of 30 Tex. Admin. Code Chapter 115?	
<b>Determination:</b>	
Pilot lights used to comply with 16 Tex. Admin. Code § 3.95 are not flares; therefore, these pilot lights are not subject to the flare requirements contained in 30 Tex. Admin. Code Chapters 111 and 117. For this same reason, pilot lights may not be used to satisfy 30 Tex. Admin. Code Chapter 115 control requirements.	

Bibliography:

Title 16 Tex. Admin. Code § 3.95 [Effective date: January 1, 1994].

Title 30 Tex. Admin. Code § 101.1 [Effective date: December 23, 1997].

Title 30 Tex. Admin. Code § 111.111(a)(4) [Effective date: July 23, 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.

Title 30 Tex. Admin. Code § 115.10 [Effective date: July 21, 1999].

Title 30 Tex. Admin. Code § 117.203(4) [Effective date: March 21, 1999].

Telephone communication with Mr. Doug Johnson, Engineer, Hydrocarbon Storage, Railroad Commission of Texas (Aug. 17, 1999).

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/rmhmpg.htm>, or from any of the air rule interpretation team members.

[ AOPDG95A/12891-v2]



**Retired as a result of amendments to Chapter 101 adopted on August 21, 2002 (Rule Log No. 2001-075-101-AI; effective date September 12, 2002)**

Last Modified; January 13, 2003

## Air Rule Interpretation Summary Form

Code Number	R01-6.001 R1-111.004
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Revision - Determination of whether vents which are manually lit considered a flare or a process vent.	April 24, 2001
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<b>Rule/Regulation Citation(s):</b>	<b>Federal Rule:</b> <input type="checkbox"/> <b>State Regulation:</b> <input checked="" type="checkbox"/>
	<b>Description:</b>
30 Tex. Admin. Code Chapter 101, § 101.6	General Rules: Upset Reporting and Recordkeeping Requirements
30 Tex. Admin. Code Chapter 111, § 111.111(a)(4)	Subchapter A: Visible Emissions and Particulate Matter Division 1: Visible Emissions
<b>Interpretation Request:</b>	
Are vents, which are manually lit for emergency and upset purposes only, considered a flare or a process vent for purposes of applicability to 30 Texas Administrative Code (Tex. Admin. Code) §§ 111.111(a)(1) and (a)(4)?	
<b>Determination:</b>	
When a vent is manually lit during an emergency or upset condition, it is considered to be a flare. Title 30 Tex. Admin. Code § 111.111(a)(4)(B) exempts flares used during emergency or upset conditions from the gas flare requirements of 30 Tex. Admin. Code § 111.111(a)(4).	
It is important to note that manually lit vents do not meet New Source Review (NSR) best available control technology (BACT) requirements for flares or federal requirements for flares per Title 40 Code of Federal Regulations Part 60, § 60.18 (40 C.F.R. Part 60, § 60.18).	

**Bibliography:**

Title 30 Tex. Admin. Code § 101.1(32) (Effective: January 18, 2001)

Title 30 Tex. Admin. Code § 111.111(a)(4) (Effective: June 11, 2000)

Texas Health and Safety Code Chapter 382 (Texas Clean Air Act).

Air Pollution Engineering Manual, U.S. Environmental Protection Agency, Second Edition, May 1973.

Air Pollution Engineering Manual, Air and Waste Management Association, Copyright 1992.

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

Compilation of Air Pollutant Emission Factors; Volume I: Station Point and Area Sources, Fifth Edition. *Air Pollution* 42, January, 1995.

40 CFR Part 60 Subpart A, *General Provisions*, July 1, 1999.

EPA Handbook, *Control Technologies for Hazardous Air Pollutants*, September 1986.

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	R01-211.003 R06-1.001 R6-110.003 R7-201.003 R12-10.004
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Revision - For purposes of 30 TAC Chapters 101, 106, 116, 117, & 122 portable or transportable engines considered a stationary source?	June 2, 2003
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Rule/Regulation Citation(s):	Federal Rule: <u>   </u> State Regulation: <u>  X  </u>
	Description:
30 TAC §§ 101.211, 106.1, 116.110(a), 117.201(3), and 122.10	Chapter 101, Subchapter F: Emissions Events and Scheduled Maintenance, Startup, and Shutdown Activities Chapter 106, Subchapter A: General Requirements Chapter 116, Subchapter B: New Source Review Permits Chapter 117, Subchapter B: Combustion at Existing Major Sources Commercial, Institutional, and Industrial Sources Chapter 122, Subchapter A: Definitions
Interpretation Request:	
For purposes of 30 Texas Administrative Code (TAC) Chapters 106, 116, 117, and 122, is an engine that is portable or transportable, meaning designed to be and capable of being carried or moved from one location to another, considered a stationary source? Are portable or transportable engines located at a single point for less than 12 consecutive months exempt from the maintenance notification requirements of 30 TAC § 101.211?	
Determination:	

Title 30 TAC Chapter 106 and 116: A portable or transportable engine which remains or will remain at a single point or location for less than or equal to 12 consecutive months is not considered a stationary source and no authorization under 30 TAC Chapters 106 or 116 would be required. If a portable or transportable engine remains or will remain at a single point or location for more than 12 consecutive months, it is considered stationary and would be subject to 30 TAC Chapters 106 or 116 requirements.

Title 30 TAC Chapter 117: A portable or transportable engine which remains or will remain at a single point or location for less than or equal to 12 consecutive months is not considered a stationary source and will not be subject to Chapter 117. If a portable or transportable engine remains or will remain at a single point or location for more than 12 consecutive months, it would meet the § 117.10 definition of a stationary internal combustion engine and would therefore be subject to Chapter 117.

Title 30 TAC Chapter 122: If a portable or transportable engine remains or will remain at a single point or location for less than or equal to 12 consecutive months, it meets the definition of a nonroad engine and is excluded by the Chapter 122 definition of stationary source. If the portable or transportable engine remains at a single point or location for more than 12 consecutive months, it would meet the definition of a stationary source and must be included when determining applicability of the Federal Operating Permit Program.

*(Continued)*

Title 30 TAC § 101: Emissions from the exhaust of a portable or transportable engine which meets the 40 CFR § 89.2 definition of nonroad engine, are not subject to 30 TAC § 101.211 notification requirements. However, emissions resulting from maintenance done to the engine (from activities such as degreasing or painting) would be potentially unauthorized emissions and may be subject to applicable § 101.211 requirements. Also, non-engine emissions generated by the maintenance activity (such as volatile organic compound (VOC) emissions resulting from the pumping of VOC liquid powered by a portable/transportable engine) remain subject to applicable § 101.211 notification requirements.

Please note, for these determinations a single point or location means a specific location at a site not just located somewhere at the entire site. In addition, any engine (or engines) that replaces an engine at a location and that is intended to perform the same or similar function as the engine replaced will be included in calculating the consecutive time period.

#### Bibliography:

30 TAC Chapter 101 (2002). [Sept. 12, 2002]

30 TAC Chapter 106 (2002). [Dec. 11, 2002]

30 TAC Chapter 117 (2003). [Jan. 17, 2003]

30 TAC Chapter 116 (2003). [Jan. 8, 2003]

30 TAC Chapter 122 (2002). [Dec. 11, 2002]

Evaluation of Testimony for proposed and adopted rule changes to Chapter 117 (1993). [Effective date: June 9, 1993]

40 CFR § 89.2 (2001). [July 1, 2001]

Federal Clean Air Act Amendments of 1990, §§ 111(a)(3), 209, 216, 302(z).

Air RIT Rule Interpretation/Opinion Code #: R01-211.001/R06-1.001/R6-110.003/R7-201.003/R12-10.004

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## Air Rule Interpretation Summary Form

Code Number	R01-1.004 R5-121.013
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Applicability of 115.127(a)(7) to a catalytic partial oxidation unit.	June 10, 2003
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Rule/Regulation Citation(s):	Federal Rule: <input type="checkbox"/> State Regulation: <input checked="" type="checkbox"/>
30 TAC Chapter 101, § 101.1	General Air Quality Rules Subchapter A: Definitions
30 TAC Chapter 115, § 115.127(a)(7)	Subchapter B General Volatile Organic Compound Sources Division 2: Vent Gas Control
Interpretation Request:	
Does a catalytic partial oxidation (CPO) unit, which is not a conventional gas-fired combustion unit, qualify for the exemption for combustion units contained in Title 30 Texas Administrative Code (TAC) § 115.127(a)(7)?	
Determination:	
The CPO unit is a catalytic reactor which uses natural gas as a feed stock for the manufacture of a synthesis gas product. The natural gas is used as a reactant, not as a fuel, so the CPO unit is not a combustion unit and does not qualify for the exemption contained in § 115.127(a)(7).	

**Bibliography:**

Title 30 TAC Chapter 101 (2002). [September 12, 2002]

Title 30 TAC Chapter 115 (2003). [Jan. 17, 2003]

21 TexReg 1533 (1996). [Feb. 14, 1996]

Air RIT Rule Interpretation/Opinion Code #: R01-1.004/R5-121.013

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