

Rule Interpretation Memos for 30 TAC 106

- ! [Revision - Applicability of 30 TAC 106.433 to "maintenance touch-ups" or exempt under §101.222](#) [June 10, 2003]
- ! [Typographical error contained in 106.433\(4\)\(A\) and \(B\)](#) [September 8, 1998]
- ! [Revision - How is the freeboard ratio determined for units in which the top is narrower than the air/liquid or air/vapor interface.](#) [September 24, 2001]
- ! [Applicability of 30 TAC 106.393 to a facility that conveys and transfers plastic pellets.](#) [February 9, 2001]
- ! [Clarification on appropriate Method 5 testing for asphalt concrete plants subject to 30 TAC §106.147\(1\)](#) [June 11, 2002]
- ! [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]

Last Modified: June 10, 2003

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.tnrcc.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

Rule Interpretation Summary Form

REQUEST:

Rule/Regulation Citation(s):	Federal Rule: ___ State Regulation: <u> X </u>
Title 30 Tex. Admin. Code, Chapter 106, § 106.433	Description: Subchapter S: Surface Coating Surface Coat Facilities (Previously SE [Standard Exemption] 75)
Interpretation Request:	
<p>A. Title 30 of the Texas Administrative Code (Tex. Admin. Code), § 106.433(4)(A) and (B) gives emission limits (lb/hr and TPY) for “all surface coating and stripping operations covered by section at a site.” The phrase “by section” literally means § 106.433. Do these emission limits apply to only surface coating and stripping operations claimed under § 106.433 or do they apply to all surface coating and stripping operations under § 106.1 (previously § 116.211)?</p> <p>B. Title 30 of the Texas Administrative Code (Tex. Admin. Code), § 106.433(8)(C) for recordkeeping requires monthly report on emissions from “each operation.” Does this apply to only the operations being claimed under the given exemption registration or from all surface coating and stripping operations at the site (regardless of how authorized)?</p>	

DETERMINATION:

Determination:
<p>A. During reformatting of the Standard Exemption list into Chapter 106, in § 106.433(4)(A) and (B) the term “standard exemption” was inadvertently replaced with the term “section.” The proper term should have been “exemptions.” Therefore, § 106.433(4)(A) and (B) should read: “...all surface coating and stripping operations covered by exemptions at a site.”</p> <p>B. This exemption, and its recordkeeping requirements, applies to all surface coating and stripping operations registered under any exemption in § 106.1 (previously § 116.211).</p>

Bibliography:

Title 30 Tex. Admin. Code Chapter 116, Standard Exemption List, Standard Exemption No. 75, (1996). [June 7, 1996]

22 Tex. Reg. 2439 (1997). [March 4, 1997]

30 Tex. Admin. Code, Chapter 106 (1997). [March 14, 1997]

Air Rule Interpretation Summary Form

Code Number	R06-454.001
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Revision - How is the freeboard ratio determined for units in which the top is narrower than the air/liquid or air/vapor interface	September 24, 2001
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Rule/Regulation Citation(s):	Federal Rule: <input type="checkbox"/> State Regulation: <input checked="" type="checkbox"/>
30 Tex. Admin. Code Chapter 106 §§ 106.454(3)(A), 454(4)(D), and 454(5)(B)	Description: Chapter 106: Subchapter T: Surface Preparation Degreasing Units (Previously Standard Exemption 107)
Interpretation Request:	
How is the freeboard ratio determined for units in which the top or opening is narrower than the overall interior width of the unit at the air/solvent or air/vapor interface?	
Determination:	
To determine the freeboard ratio, the freeboard height measurement is taken from the top of the degreaser to the top of the air/solvent or air/vapor level. This number is then divided by the smallest width measurement. This width measurement may be taken anywhere from the air/solvent or air/vapor level to the top of the degreaser.	

Bibliography:

Anthony J. Buonicore and Wayne T. Davis, *Air Pollution Engineering Manual*, (Van Nostrand Reinhold, 1992).

U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards Guidelines; *Control of Volatile Organic Emissions From Solvent Metal Cleaning*, EPA-450/2-77-022, Nov. 1977.

U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards; *Guidance Document for the Halogenated Solvent Cleaner NESHAP*, EPA-453/R-94-081, April 1995.

58 Fed. Reg. 62,566 (1993) [Nov. 29, 1993].

59 Fed. Reg. 61,801 (1994) [Dec. 2, 1994].

U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards: *National Emission Standards for Hazardous Air Pollutants: Halogenated Solvent Cleaning - Background Information for Final Standards*, EPA-453/R-94-071, Nov. 8, 1994.

Title 30 Tex. Admin. Code Chapter 106 (2001) [June 13, 2001].

Air RIT Interpretation/Opinion 63T.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 TNRCC's homepage: <http://www.tnrcc.state.tx.us/permitting/airperm/opd/rimhmpg.htm>, or from any of the air rule interpretation team members.

Air Rule Interpretation Summary Form

Code Number	R06-393.001
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Applicability of 30 TAC 106.393 to a facility that conveys and transfers plastic pellets.	February 9, 2001
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Rule/Regulation Citation(s):	Federal Rule: <u> </u> State Regulation: <u> X </u>
	Description:
30 Tex. Admin. Code Chapter 106 § 106.393	Subchapter Q: Plastics and Rubber
Interpretation Request:	
Is a facility that conveys and transfers polyethylene, polypropylene and polystyrene (plastic) pellets subject to the requirements of 30 Texas Administrative Code (Tex. Admin. Code) §§ 106.393(1) and (2)?	
Determination:	
Polyethylene, polypropylene and polystyrene (plastic) pellets are synthetic resins. Therefore, facilities that convey and transfer polyethylene, polypropylene, polystyrene or any other resin are subject to the requirements of 30 Tex. Admin. Code §§ 106.393(1) and (2).	

Bibliography:

Title 30 Tex. Admin. Code § 106.393 (Effective: September 4, 2000).

Hawley's Condensed Chemical Dictionary 790, 878, 938, 960, 941, 1001 (12th ed. 1993).

Air Rule Interpretation Summary Form

Code Number	R06-147.001
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Clarification on appropriate Method 5 testing for asphalt concrete plants subject to 30 TAC §106.147(1).	June 11, 2002
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Rule/Regulation Citation(s):	Federal Rule: <input type="checkbox"/>	State Regulation: <input checked="" type="checkbox"/>	Description:
30 TAC Chapter 106 § 106.147	Permits by Rule Subchapter E: Aggregate and Pavement Asphalt Concrete Plants		

Interpretation Request:

Title 30 Texas Administrative Code (TAC) § 106.147(1) and (1)(A) state that stack sampling is not required if the applicant submits adequate documentation (such as previous test results for identical units) demonstrating compliance with the 0.04 grain per dry standard cubic feet (grain/dscf) allowable. Are sources submitting this documentation required to include particulate matter recovered in the impinger train per the state definition of particulate matter emissions contained in 30 TAC § 101.1, or only particulate matter caught in the filter (front half) as is the standard for 40 CFR Part 60 regulations?

Determination:

Only particulate matter emissions caught in the filter (obtained using 40 CFR Part 60 Appendix A Test Method 5) is required for any documentation associated with 30 TAC § 106.147(1)(A). However, the 25 tons per year particulate matter limitation in 30 TAC § 106.147(7) is a state requirement, and any compliance determination associated with 30 TAC § 106.147(7) must include “front and back half” results per the 30 TAC § 101.1 definition of particulate matter emissions.

Bibliography:

Title 30 Texas Administrative Code Chapter 106 (2001). [June 13, 2001]

TNRCC Standard Exemption List, May 4, 1994.

Texas Air Control Board Standard Exemption 117, May 12, 1981.

TNRCC Guidance Document (draft): Asphalt Concrete Plants, August 2001.

Memorandum from Janet Pichette, TNRCC Toxicology & Risk Assessment Section, to Alex Berksan, New Source Review Division (1997). [April 7, 1997]

Air RIT Rule Interpretation/Opinion Code #: R06-147.001

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

Compilation of Air Pollutant Emission Factors (AP-42), 5th ed., Sec. 11.1, U.S. Environmental Protection Agency, January 1995.

25 Tex. Reg. 8653 (2000). [Sept. 4, 2000]

25 Tex. Reg. 2916 (2000). [Apr. 7, 2000]

22 Tex. Reg. 2439 (1997). [Mar. 4, 1997]

10 Tex. Reg. 580 (1985). [Feb. 15, 1985]

Title 40 CFR Part 60 Subparts A, I, and Appendix A, Test Method 5 (2001). [July 1, 2001]

Air RIT Rule Interpretation/Opinion Code #: R06-147.001

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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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