

30 TAC 111 /111- Rule Interpretation Memos

- ! [Determination of applicability of visible emission limits for vents with multiple sources](#) [October 14, 1996]
- ! [30 TAC Chapter 111 requirements for emergency flares](#) [October 14, 1996]
- ! [Meaning of "as appropriate as it relates to §111.111"](#) [October 14, 1996]
- ! [Revision - Determination of whether vents which are manually lit considered a flare or a process vent](#) [April 24, 2001]
- ! [Determination of applicability for visible emissions](#) [May 9, 1997]
- ! [Initial and annual compliance methods for sources with visible emissions.](#) [August 24, 1998]
- ! [Applicability of 111.111\(a\)\(1\)\(A\), \(B\), and \(C\) for units with 100,000 acfm flow and liquid droplets in the stack.](#) [December 10, 1998]
- ! [Are pilot lights subject to the state's air pollution control regulations governing flares?](#) [September 29, 1999]
- ! [Applicability of §111.111\(a\)\(2\) to solid fossil fuel fired steam generating unit constructed after 1974.](#) [August 15, 2003]
- ! [Typographical error in § 111.111\(a\)\(4\)\(A\). References §§ 101.11\(a\) and 101.6 which do not exist](#) [October 30, 2003]

Last Modified: October 30, 2003]

Rule Interpretation Summary Form

REQUEST:

Rule/Regulation Citation(s):	Federal Rule: <input type="checkbox"/> State Regulation: <input checked="" type="checkbox"/>
30 TAC 111, §111.111(a)(1)	Description: Visible Emissions for Stationary Vents
Interpretation Request:	
Determination of applicability of Title 30 Texas Administrative Code, Chapter 111 (30 TAC, 111) in Section (§)111.111(a)(1)(B) for vents with multiple sources.	

DETERMINATION:

Summary of Request:
The Title V Operating Permit Section requested a proposed interpretation of applicability of §§111.111(a)(1)(A) or (B) for a stationary vent with multiple sources venting through a single vent and not all of the sources were constructed after January 31, 1972.
Determination:
After review by the Rule Interpretation Team, the team concurred with the following determination made by the Engineering Services Section:
For a stationary vent with multiple sources of which at least <u>one</u> source was constructed after January 31, 1972, the vent is subject to §111.111(a)(1)(B). If <u>all</u> of the sources routed to the vent were constructed on or before January 31, 1972, then the vent is subject to §111.111(a)(1)(A). Please note that a vent could be subject to §111.111(a)(1)(C) based upon the flowrate.

Background Information and Rationale:

Rule §111.111 specifies visible emissions requirements for specified sources. Section 111.111(a)(1) covers allowable visible emission for stationary vents and specifies visible emissions shall not exceed the following emission opacities and must meet the following requirements:

(A.) Opacity shall not exceed 30% averaged over a six-minute period.

(B.) Opacity shall not exceed 20% averaged over a six-minute period for any source on which construction was begun after January 31, 1972.

Rule §111.111(a)(1)(B) applies to Stationary Vents and it states the 20% opacity requirement applies to the vents for any source on which construction was begun after January 31, 1972. An interpretation was requested for a stationary vent with multiple sources venting through a single vent and not all of the sources were constructed after January 31, 1972. The fact that "not all" was used means that there were some sources constructed after January 31, 1972. The rule requires that stationary vents for sources constructed after January 31, 1972 must have the 20% opacity requirement applied to them. If the stationary vent has the 20% opacity requirement applied to it because it was constructed after January 31, 1972, then another source constructed before January 31, 1972 going to this stationary vent cannot use the opacity of 30% in rule §111.111(a)(1)(A). The stationary vent's source was constructed after January 31, 1972, and the construction date of the source controls the opacity requirement per rule §111.111(a)(1)(B).

Analysis of Impacts/Consequences of Determination:

Not Applicable

Rule Interpretation Summary Form

REQUEST:

Rule/Regulation Citation(s):	Federal Rule: <input type="checkbox"/> State Regulation: <input checked="" type="checkbox"/>
30 TAC 111, §111.111(a)(4)	Description: Visible Emissions for Gas Flares
Interpretation Request:	
Determination of the requirements (including Title 30 Texas Administrative Code, Chapter 111 [30 TAC 111]) for flares used only for emergencies and/or upsets.	

DETERMINATION:

Summary of Request:
Provide clarification of what 30 TAC 111 requirements are applicable to flares used only for emergency and upset conditions.
Determination:
There are no requirements in Chapter 111 that are applicable to flares used <i>only</i> during emergency or upset conditions.

Rule Interpretation Summary Form

REQUEST:

Rule/Regulation Citation(s):	Federal Rule: <u> </u> State Regulation: <u> X </u>
30 TAC 111	Description: Control of Air Pollution from Visible Emissions and Particulate Matter
Interpretation Request:	
Determination of the meaning of the phrase "as appropriate" in the testing citations in Titlee 30 Texas Administrative Code, Section (§)111.111(a)(1)(F), (7)(B), and (8)(B) (30TAC 111.111[a][1][F], [7][B] and [8][B]).	

DETERMINATION:

Summary of Request:
<p>The Operating Permits Division staff requested clarification/opinion of regulations in 30 TAC 111 (relating to Control of Air Pollution from Visible Emissions and Particulate Matter). Does the phrase "as appropriate", in §§111.111(a)(1)(F), (a)(7)(B) and (a)(8)(B), mean:</p> <p>(a) If it is appropriate to do a test? or</p> <p>(b) If either method is appropriate?</p>
Determination:
<p>After review by the Rule Interpretation Team, the team concurred with the following determination made by the Engineering Services Section (ESS):</p> <p>The phrase "as appropriate" means that the owner or operator of an affected source can use any of the listed test methods to show compliance with the requirements, depending on whichever test method is applicable for that particular source.</p>

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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Rule/Regulation Citation(s):	Federal Rule: <u> </u> State Regulation: <u> X </u>
	Description:
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
Interpretation Request:	
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)?	
Determination:	
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.tnrc.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.

Rule Interpretation Summary Form

REQUEST:

Rule/Regulation Citation(s):	Federal Rule: <input type="checkbox"/> State Regulation: <input checked="" type="checkbox"/>
30 TAC 111, §111.111(a)(1), (5), (6), (7), (8)	Description: Visible Emissions - §111.111
Interpretation Request:	
With respect to the opacity requirements in 30 TAC §111.111(a)(1), (5), (6), (7), and (8) for specified sources (including stationary vents), is §111.111(a) applicable only when there are “visible emissions” present?	

DETERMINATION:

Summary of Request:
Does 30 TAC §111.111(a) apply when there are no “visible emissions” produced?
Determination:
<p>Section 111.111(a) applies to <u>all</u> specified sources under §111.111(a)(1), (5), (6), (7), and (8) (<i>e.g.</i>, stationary vents, structures, etc.) even when there are no “visible emissions”. However, when a source has <u>no</u> “visible emissions,” the source is in compliance with §111.111(a) <i>and</i> is thereby deemed in compliance with the applicable subparagraph under §111.111(a)(1), (5), (6), (7), or (8). If a source has “visible emissions”, the source shall comply with the applicable opacity standard and determine compliance using the appropriate method stated in §111.111(a)(1)-(8).</p> <p><i>Please note that this determination is not for flares because of their compliance and recordkeeping requirements. This determination is also not for specified sources using a CEMS for opacity determination.</i></p>

Rule Interpretation Summary Form

Code Number	R1-111.007 R12-132.001 R12-146.001
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Initial and annual compliance methods for sources with visible emissions	August 24, 1998
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Rule/Regulation Citation(s):	Federal Rule: ____ State Regulation: <u> X </u>
Title 30 Tex. Admin. Code, §§ 122.132 and 122.146	Description Subchapter B: Permit Requirements, Permit Application, and Permit Content
Interpretation Request:	
How does a responsible official certify compliance under 30 Texas Administrative Code (Tex. Admin. Code), Chapter 122 with the opacity requirements of 30 Tex. Admin. Code §§ 111.111(a)(1), (7), and (8)?	
Determination:	
<p><i>Please note that this request is not applicable to sources required to install a CEMS under 30 Tex. Admin. Code § 111.111(a) or to flares because these sources have separate and explicit compliance and recordkeeping requirements in 30 Tex. Admin. Code Chapter 111.</i></p> <p>For purposes of the initial compliance certification under 30 Tex. Admin. Code § 122.132, the owner or operator must determine if visible emissions are present according to § 111.111(a). If visible emissions are not observed, then the responsible official can certify that the source is in compliance with the applicable opacity requirement in §§ 111.111(a)(1), (7), and (8). No documentation is required for observations where no visible emissions are present. However, if visible emissions are observed, then the owner or operator must determine if the specified source is in compliance with the applicable opacity requirement in §§ 111.111(a)(1), (7), and (8) using the applicable opacity test method given in §§ 111.111(a)(1), (7), and (8), depending on the specified source. The responsible official can then certify the compliance status of the source with respect to the applicable opacity requirement in §§ 111.111(a)(1), (7), and (8).</p> <p>For purposes of annual compliance certification, the owner or operator must base certification on compliance methods listed in the permit. The owner or operator must comply with the compliance certification requirements in § 122.146.</p> <p>Please note that to properly determine the presence of visible emissions, all sources must be in clear view of the observer. It is also recommended that the observer be at least 15 feet, but not more than 0.25 miles, away from the emission source during the observation. For outdoor locations, it is recommended that the observer select a position where the sun is not directly in the observer's eyes. Please remember that no documentation is required for observations where no visible emissions are present.</p>	

Bibliography:

Title 30 Tex. Admin. Code Chapter 122 (1997). [November 10, 1997]

Rule Interpretation Number R1-111.005

Please note, in the event that a member of the public or the regulated community 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 rule interpretation team members.

Rule Interpretation Summary Form

REQUEST:

Rule/Regulation Citation(s):	Federal Rule: <u> </u> State Regulation: <u> X </u>
30 Tex. Admin. Code, §§ 111.111(a)(1)(C) and 111.111(a)(3)	Description: Subchapter A: Visible Emissions and Particulate Matter Visible Emissions

DETERMINATION:

Interpretation Request:
<p>Title 30 Texas Administrative Code (Tex. Admin. Code) Section 111.111(a)(1)(C) limits a source to a 15% opacity, if the source has a total flow rate greater than or equal to 100,000 actual cubic feet per minute (acfm), unless an opacity continuous emissions monitoring system (CEMS) is installed. If an opacity CEMS is utilized, the source is then subject to the opacity limits of 30 Tex. Admin. Code § 111.111(a)(1)(A) or (B), which is 30% or 20%, depending on when construction began. What is the appropriate opacity standard, if a source can not install or use an opacity CEMS due to the gas stream containing condensed water vapor which interferes with the proper instrument operation?</p>
Determination:
<p>In accordance with 30 Tex. Admin. Code §§ 111.111(a)(1)(C) and 111.111(a)(3), if a source with a flow rate greater than or equal to 100,000 acfm does not obtain approval from the executive director of the Texas Natural Resource Conservation Commission (TNRCC) and the U. S. Environmental Protection Agency (EPA) to substitute one of the opacity monitoring techniques listed in 30 Tex. Admin. Code § 111.111(a)(1)(F) for the opacity CEMS discussed in 30 Tex. Admin. Code § 111.111(a)(1)(C), then the appropriate opacity standard would be 15% . For sources which the TNRCC's executive director and EPA have approved the use of one of the alternate monitoring techniques listed in 30 Tex. Admin. Code § 111.111(a)(1)(F), due to condensed water vapors present in such quantity that an opacity CEMS cannot be installed or properly used, the opacity limit for the source would be 20 or 30% , depending on the date that construction began as noted in 30 Tex. Admin. Code § 111.111(a)(1)(B).</p>

Bibliography:

- 30 Tex. Admin. Code, Chapter 111 [Effective date: September 6, 1996]
- 30 Tex. Admin. Code, Chapter 111 [Effective date: February 19, 1992]
- Evaluation of Testimony of Public Hearing held May 21 and 22, 1992 for proposed changes to Chapters 111 and 112; Effective date of adoption was October 23, 1992
- 17 Tex. Reg. 7083 (1992). [October 9, 1992]
- 17 Tex. Reg. 2931 (1992). [April 24, 1992]
- 13 Tex. Reg. 6433 (1988). [December 27, 1988]
- 14 Tex. Reg. 3290 (1989). [July 4, 1989]
- 30 Tex. Admin. Code, Regulation I, Rules 103.1 and 103.6 [Effective date: March 5, 1972]

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
Interpretation Request:	
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?	
Determination:	
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]

Air Rule Interpretation Summary Form

Code Number	R1-111.009
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Applicability of §111.111(a)(2) to solid fossil fuel fired steam generating unit constructed after 1974.	August 15, 2003
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Rule/Regulation Citation(s):	Federal Rule: <input type="checkbox"/> State Regulation: <input checked="" type="checkbox"/>
	Description:
30 TAC Chapter 111 § 111.111(a)(2)	Subchapter A: Visible Emissions and Particulate Matter Division 1 - Visible Emissions
Interpretation Request:	
Is a solid fossil fuel fired steam generating unit, constructed after 1974, with an annual average capacity factor of greater than 30% and a heat input greater than 250 million British thermal units per hour (MMBtu/hr) subject to the continuous emissions monitoring (CEMS) requirements of Title 30 Texas Administrative Code (TAC) § 111.111(a)(2)?	
Determination:	
Title 30 TAC § 111.111(a)(2) is only applicable to those units constructed prior to 1974. The owner or operator of the solid fossil fuel fired steam generator with a heat input greater than 250 MMBtu/hr must meet all the applicability criteria contained in § 111.111(a)(2)(A) which includes the requirement to have an annual average capacity factor of greater than 30%, as reported to the Federal Power Commission for calendar year 1974. Therefore, if the steam generating unit was constructed during or after 1974 the owner/operator would not be able to report the annual average capacity factor to the Federal Power Commission for the calendar year 1974 and would not be subject to the requirements in § 111.111(a)(2).	

Bibliography:

Title 30 TAC Chapter 111 (1993). [July 23, 1993]

17 TexReg 6963 (1992). [October 9, 1992]

17 TexReg 2899 (1992). [April 24, 1992]

40 CFR Part 60, Subpart D (2002). [July 1, 2002]

Air RIT Rule Interpretation/Opinion Code #:R1-111.009

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

Air Rule Interpretation Summary Form

Code Number	R1-111.010
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Typographical error in § 111.111(a)(4)(A). References §§ 101.11(a) and 101.6 which do not exist.	October 30, 2003
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Rule/Regulation Citation(s):	Federal Rule: ___ State Regulation: <u>X</u>
Description:	Subchapter A: Visible Emissions and Particulate Matter Division 1: Visible Emissions
Interpretation Request:	
<p>Title 30 Texas Administrative Code (TAC) §§ 111.111(a)(4)(A) and 111.111(a)(4)(A)(ii) refer to requirements in 30 TAC § 101.11(a) (relating to Exemptions from Rules and Regulations) and 30 TAC § 101.6 (relating to Notification Requirements for Major Upset), respectively. However, both §§ 101.11(a) and 101.6 do not exist. What are the appropriate citations in Chapter 101 to the references in §§ 111.111(a)(4)(A) and 111.111(a)(4)(A)(ii)?</p>	
Determination:	
<p>Sections 101.6 and 101.11 were repealed as a result of rulemaking adopted August 21, 2002 and effective September 12, 2002 and thus, the references to §§ 101.11(a) and 101.6 in §§ 111.111(a)(4)(A) and 111.111(a)(4)(A)(ii), respectively, are incorrect. The rulemaking also changed the term “upset” to “emission event.” Section 111.111(a)(4)(A) should reference the requirements in § 101.222(b) instead of § 101.11(a). Therefore, § 111.111(a)(4)(A) should read as follows: “Visible emissions from a process gas flare shall not be permitted for more than five minutes in any two-hour period, except as provided in § 101.222(b) of this title (relating to Demonstrations).”</p> <p>Section 111.111(a)(4)(A)(ii) should reference the requirements in § 101.201 instead of § 101.6 and the term “upset” should be changed to “emission event.” Therefore, § 111.111(a)(4)(A)(ii) should read as follows: “A Method 22 or Method 9 observation will be waived provided the operator reports the flare to be in an emission event condition under the requirements of §101.201 of this title (relating to Emissions Event Reporting and Recordkeeping Requirements).”</p>	

Bibliography:

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

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

30 TAC Chapter 111 (2002). [Jun. 12, 2002]

27 Tex. Reg. 8502 (2002). [Sept. 6, 2002]

27 Tex. Reg. 8506 (2002). [Sept. 6, 2002]

Air RIT Rule Interpretation/Opinion Code #: R1-111.010

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