

## 30 TAC 113, Chapter C (340) - Rule Interpretation Memos

- ! [Clarification of the affected source at a refinery as it relates to reconstruction.](#)  
[December 16, 2002]
- ! [Clarification of leak testing frequency for gasoline cargo tanks as specified in 40 CFR 63.425\(f\), \(g\), and \(h\).](#) [February 14, 2003]

Last Modified: February 14, 2003

## Air Rule Interpretation Summary Form

Code Number	63CC.002 R3-340.001
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Clarification of the affected source at a refinery as it relates to reconstruction.	December 16, 2002
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Rule/Regulation Citation(s):	Federal Rule: <u>X</u> State Regulation: <u>X</u>
	Description:
40 CFR Part 63, Subpart CC, § 63.640(j)	National Emission Standards for Hazardous Air Pollutants From Petroleum Refineries
30 TAC Chapter 113, § 113.340	Petroleum Refineries (40 CFR Part 63, Subpart CC)
Interpretation Request:	
If a change is made to an individual process unit at a refinery that is an existing source for purposes of Title 40 Code of Federal Regulations (CFR) Part 63 Subpart CC, does the 40 CFR § 63.2 definition of reconstruction apply to the individual process unit or does it apply to the entire refinery?	
Determination:	
In 40 CFR Part 63 Subpart CC the affected source is the entire refinery. Therefore, the reconstruction must exceed 50 percent of the cost required to build a new affected facility or a whole new refinery.	

**Bibliography:**

U.S. Environmental Protection Agency, *National Emission Standards for Hazardous Air Pollutants: Petroleum Refineries - Background Information for Final Standards: Summary of Public Comments and Response* (July 1995).

60 Fed. Reg. 43,243 (1995). [Aug. 18, 1995]

61 Fed. Reg. 29,875 (1996). [June 12, 1996]

63 Fed. Reg. 44,135 (1998). [Aug. 18, 1998]

66 Fed. Reg. 28,840 (2001). [May 25, 2001]

U.S. Environmental Protection Agency, *Questions and Answers For The Refinery MACT I Rule*

Air RIT Rule Interpretation/Opinion Code #: 63CC.002

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

(Nov. 20, 1998).

Air RIT Rule Interpretation/Opinion Code #: 63CC.002/R3-340.001

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## Air Rule Interpretation Summary Form

Code Number	63R.001 63CC.003 R3-230.001 R3-340.002
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Clarification of leak testing frequency for gasoline cargo tanks as specified in 40 CFR 63.425(f), (g), and (h).	February 14, 2003
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Rule/Regulation Citation(s):	Federal Rule: <u>X</u> State Regulation: <u>X</u> Description:
40 CFR Part 63, Subpart R, § 63.425	National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations)
40 CFR Part 63, Subpart CC, § 63.650	National Emission Standards for Hazardous Air Pollutants From Petroleum Refineries
30 TAC Chapter 113, § 113.230	Gasoline Distribution Facilities (incorporated by reference)
30 TAC Chapter 113, § 113.340	Petroleum Refineries (incorporated by reference)
<b>Interpretation Request:</b>	
What is the frequency of leak detection testing, nitrogen pressure decay field testing, and continuous performance pressure decay testing as defined in Title 40 Code of Federal Regulations (CFR) § 63.425(f) - (h) respectively as referenced from § 63.650(a).	
<b>Determination:</b>	
The leak detection testing, nitrogen pressure decay field testing, and continuous performance pressure decay tests defined in § 63.425(f) - (h) do not specify frequency of testing, but can be administered at any time to insure the validity of the annual certification defined in § 63.425(e).	

Bibliography:

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

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

59 Fed. Reg. 5868 (1994). [Feb. 8, 1994]

59 Fed. Reg. 64318 (1994). [Dec. 14, 1994]

Air RIT Rule Interpretation/Opinion Code #: 63R.001/63CC.003/R3-230.001/R3-340.002

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EPA Applicability Determination Index, Control No. 0000085 (1999). [Oct. 22, 1999]

Air RIT Rule Interpretation/Opinion Code #: 63R.001/63CC.003/R3-230.001/R3-340.002

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