

Rule Interpretation Memos for 30 TAC 117, Commercial, Institutional, and Industrial Sources

- ! [Determination of whether an incinerator can be defined as a furnace](#) [October 14, 1996]
- ! [Applicability of functionally identical replacements. - Retired](#) [June 17, 1998]
- ! [The use of a computer to calculate the total fuel flow using data from existing flow meters. - Retired](#) [June 23, 1998]
- ! [Do stationary gas turbines with a rating of less than 1.0 MW have to comply with §117.209\(c\)\(1\), 117.213\(d\)\(2\) and \(g\)?- Retired](#)[August 31, 1998]
- ! [Per §117.203\(b\)\(1\), applicability of §117.209\(c\)\(1\), 117.213\(d\)\(2\) and \(g\) for new units.- Retired](#) [February 10, 1999]
- ! [Are pilot lights subject to the state's air pollution control regulations governing flares?](#) [September 29, 1999]
- ! [Determination for calculating emission limitation when combusting fuel type §117.205\(b\)\(6\) - Retired](#) [May 11, 2001]
- ! [Revision - For Purposes of 30 TAC Chapters 101, 106, 116, 117 & 122 are portable or transportable engines considered a stationary source?](#)[June 2, 2003]
- ! [Applicability of the initial control plan requirements to sites with no applicable combustion units per §117.201](#) [November 2, 2001]
- ! [Applicability of Chapter 117 to units regulated as existing facilities under 40 CFR Part 266, Subpart H](#) [July 11, 2003]

Last Modified: July 11, 2003

Rule Interpretation Summary Form

REQUEST:

Rule/Regulation Citation(s):	Federal Rule: <input type="checkbox"/> State Regulation: <input checked="" type="checkbox"/>
30 TAC 112, §112.9	Description: Allowable Emission Rates - Combustion of Liquid Fuel
Interpretation Request:	
Determination of whether an incinerator may be defined as a furnace, and under what circumstances Title 30 Texas Administrative Code, Chapter 112 (30 TAC 112) impacts.	

DETERMINATION:

Summary of Request:
<p>The Operating Permits Division requested to determine if an incinerator which is a pollution abatement device for a process waste vent stream of volatile organic compounds (VOCs) and acid gases, and uses a supplemental liquid fuel to help burn the waste vent stream is required to meet only the allowable emission rates for: (1) sulfur dioxide under Section §112.9, and (2) the nitrogen oxide (NO_x) emission rates under §117.209(c)(1).</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>Title 30 TAC 112 applies to specific equipment and processes listed in the regulation (e.g., solid fossil fuel-fired steam generators and sulfur recovery plants) and may not necessarily apply to equipment used for emission control devices. Incinerators which are not associated with any piece of equipment or process regulated under 30 TAC 112 are not included in this regulation. Therefore, 30 TAC 112 does not apply to this type of incinerator burning waste process vent gases.</p> <p>Note: Net ground level concentration limits as stated in §112.3 and §112.4 are not subject to the Title V program per §122.010 (definition of applicable requirement [L]).</p>

Applicability of functionally identical replacements.

Retired as a result of a correction in 30 Texas Administrative Code Chapter 117 rule amendments adopted on 2/24/1999 (Rule log no. 98030-117-AI)

Last Modified: April 20, 1999

The use of a computer to calculate the total fuel flow using data from existing flow meters. [CODE #: R7-213.001]

Retired as a result of a correction in 30 Texas Administrative Code Chapter 117 rule amendments adopted on 2/24/1999 (Rule log no. 98030-117-AI)

Last Modified: April 20, 1999

Do stationary gas turbines with a rating of less than 1.0 MW have to comply with §§ 117.209(c)(1), 117.213(d)(2) and (g)? [CODE #: R7-201.002]

Retired as a result of a correction in 30 Texas Administrative Code Chapter 117 rule amendments adopted on 2/24/1999 (Rule log no. 98030-117-AI)

Last Modified: April 20, 1999

Per § 117.203(b)(1), applicability of §§ 117.209(c)(1), 117.213(d)(2) and (g) for new units. [CODE #: R7-203.002]

Retired as a result of a correction in 30 Texas Administrative Code Chapter 117 rule amendments adopted on 2/24/1999 (Rule log no. 98030-117-AI)

Last Modified: April 20, 1999

Air Rule Interpretation Summary Form

Code Number	R01-1.002 R1-111.008 R5-10.003 R7-201.004
-------------	--

Are pilot lights subject to the state's air pollution control regulations governing flares?	September 29, 1999
---	--------------------

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]

Retired as a result of amendments to Chapter 117 adopted on 12/6/2000 (Rule Log No. 2000-011H-117-AI; effective date 1/18/2001

Air Rule Interpretation Summary Form

Code Number	R01-211.003 R06-1.001 R6-110.003 R7-201.003 R12-10.004
-------------	--

Revision - For purposes of 30 TAC Chapters 101, 106, 116, 117, & 122 portable or transportable engines considered a stationary source?	June 2, 2003
--	--------------

Rule/Regulation Citation(s):	Federal Rule: <input type="checkbox"/> State Regulation: <input checked="" type="checkbox"/>
	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

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	R7-201.005
-------------	------------

Applicability of the initial control plan requirements to sites with no applicable combustion units per §117.201	November 2, 2001
--	------------------

Rule/Regulation Citation(s):	Federal Rule: <input type="checkbox"/> State Regulation: <input checked="" type="checkbox"/>
30 TAC Chapter 117 § 117.201, § 117.203, § 117.209	Description: Subchapter B: Combustion at Major Sources Division 3: Industrial, Commercial, and Institutional Combustion Sources in Ozone Nonattainment Areas
Interpretation Request:	
What requirements of 30 Texas Administrative Code (TAC) § 117.209, relating to Initial Control Plans, apply to sites with no applicable combustion units listed under § 117.201, but with some combustion units listed as “exempt” under § 117.203 (E.g., dryers or ovens)?	
Determination:	
A source that has no combustion units listed under 30 TAC § 117.201 is not subject to § 117.209.	

Bibliography:

30 TAC Chapter 117 (2001). [Jan. 18, 2001]

Letter from Richard Hughes, TNRCC Engineering Services Team, to Michael Hutto, City of Houston (Nov. 2, 2000).

17 Tex. Reg. 8143 (1992). [Nov. 20, 1992]

18 Tex. Reg. 3409 (1993). [May 28, 1993]

19 Tex. Reg. 30 (1994). [Jan. 4, 1994]

19 Tex. Reg. 4523 (1994). [June 10, 1994]

24 Tex. Reg. 1784 (1999). [Mar. 12, 1999]

24 Tex. Reg. 10113 (1999). [Nov. 12, 1999]

25 Tex. Reg. 4172 (2000). [May 5, 2000]

26 Tex. Reg. 524 (2001). [Jan. 12, 2001]

Air Rule Interpretation Summary Form

Code Number	R7-205.002
-------------	------------

Applicability of Chapter 117 to units regulated as existing facilities under 40 CFR Part 266, Subpart H.	July 11, 2003
--	---------------

Rule/Regulation Citation(s):	Federal Rule: <u> X </u> State Regulation: <u> __ </u>
	Description:
30 TAC Chapter 117, § 117.205(h)(3)	Control of Air Pollution from Nitrogen Compounds Subchapter B: Combustion at Major Sources Division 3: Industrial, Commercial and Institutional Combustion Sources in Ozone Nonattainment Areas
Interpretation Request:	
Title 30 Texas Administrative Code (TAC) § 117.205(h)(3) contains an exemption for boilers and industrial furnaces which were regulated as existing facilities by the U.S. Environmental Protection Agency at Title 40 Code of Federal Regulations Part 266 (40 CFR Part 266), Subpart H, as was in effect on June 9, 1993. If a boiler or furnace burns hazardous waste for only a fraction of its operating time, and burns non-hazardous fuels for the remainder of the time, does this exemption apply during those times when the unit is burning non-hazardous fuels?	
Determination:	
Units regulated as existing facilities at 40 CFR Part 266, Subpart H, as was in effect on June 9, 1993, are exempt from the 30 TAC § 117.205 emission specifications at all times, regardless of whether or not the unit is burning hazardous or non-hazardous waste.	

Bibliography:

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

40 CFR Part 266, Subpart H (2001). [July 1, 2001]

17 Tex. Reg. 8136 (1992). [Nov. 20, 1992]

18 Tex. Reg. 3409 (1993). [May 28, 1993]

24 Tex. Reg. 10113 (1999). [Nov. 12, 1999]

Letter from Texaco Chemical Company to Mr. Randy Hamilton, February 3, 1993.

Air RIT Rule Interpretation/Opinion Code #: R7-205.002

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