

30 TAC 118 - Rule Interpretation Memos

- ! [Appropriate definition of the term “major stationary source” as used in 30 TAC §118.5.](#)
[December 16, 2002]

Last Modified: December 16, 2002

Air Rule Interpretation Summary Form

Code Number	R8-5.001
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Appropriate definition of the term “major stationary source” as used in 30 TAC §118.5	December 16, 2002
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Rule/Regulation Citation(s):	Federal Rule: <input type="checkbox"/>	State Regulation: <input checked="" type="checkbox"/>	Description:
30 TAC Chapter 118, § 118.5	Control of Air Pollution Episodes Emission Reduction Plan		

Interpretation Request:

Which definition applies to the term “major stationary source” as used in 30 TAC § 118.5? In addition, does the 100 ton per year emission criteria stated in § 118.5 only consider actual emissions, or does the 100 ton per year criteria also consider potential to emit?

Determination:

The appropriate definition of “major stationary source” in § 118.5 is the definition of major facility/stationary source provided in 30 TAC § 116.12, which defines major sources in nonattainment areas. The 100 ton per year emission criteria stated in § 118.5 is for actual emissions, not potential to emit. Section 118.5 does not apply unless the source is a major stationary source and has actual emissions of a § 118.1 Table 1 air contaminant (or volatile organic compounds) which meet or exceed 100 tons per year. In this context, tons per year means any 365-day period, and is not limited to the calendar year.

In determining if a facility is a major stationary source, fugitive emissions are not included unless the source belongs to one of the categories of stationary sources listed in Title 40 Code of Federal Regulations (40 CFR), § 51.165(a)(1)(iv)(C). However, under the 100 ton per year emission criteria of 30 TAC § 118.5 fugitive emissions are always included.

Bibliography:

Title 30 TAC Chapter 118 (2000). [Mar. 5, 2000]
 Title 30 TAC Chapter 101 (2002, 1992-1994). [Sept. 12, 2002]
 Title 30 TAC Chapter 116 (2002). [Sept. 12, 2002]
 Title 30 TAC Chapter 122 (2002). [Aug. 29, 2002]
 Title 40 Code of Federal Regulations Part 51, Subpart H.

Air RIT Rule Interpretation/Opinion Code #: R8-5.001

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

Federal Clean Air Act Amendments of 1990, §§ 169, 181-191, 302, 42 U.S.C. 7479, 7511-7514, 7604 (1990).

18 Tex. Reg. 5746 (1993). [Aug. 27, 1993]

17 Tex. Reg. 4777 (1992). [July 3, 1992]

12 Tex. Reg. 893 (1987). [Mar. 17, 1987]

12 Tex. Reg. 2639 (1987). [Aug. 11, 1987]

8 Tex. Reg. 2402 (1983). [Jul. 1, 1983]

8 Tex. Reg. 270 (1983). [Jan. 21, 1983]

6 Tex. Reg. 1241 (1981). [Apr. 3, 1981]

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