

30 TAC 122 - Rule Interpretation Memos

- ! [Is a HMIWI required to submit a FOP application if they are exempt from the control requirements of Chapter 113](#) [August 23, 2002]

Last Modified: August 23, 2002

Air Rule Interpretation Summary Form

Code Number	R3-2070.002 R12-120.001 60E_c.002
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Is a HMIWI required to submit a FOP application if they are exempt from the control requirements of Chapter 113	August 23, 2002
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Rule/Regulation Citation(s):	Federal Rule: <u>X</u> State Regulation: <u>X</u> Description:
30 TAC Chapter 113, § 113.2070	Chapter 113, Subchapter D: Division 2: Hospital/Medical/Infectious Waste Incinerators
30 TAC Chapter 122, § 122.120(3)	Chapter 122, Subchapter B: Division 1: General Requirements
40 CFR Part 60 Subpart Ec, § 60.50c	Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996

Interpretation Request:

Is a hospital/medical/infectious waste incinerator (HMIWI), which was constructed on or before June 20, 1996 and combusts only pathological waste, low-level radioactive waste, and/or chemotherapeutic waste (as defined in 30 TAC § 113.2070 and 40 CFR § 60.51c), required to apply for a federal operating permit (FOP) under Title V?

Determination:

Under 30 TAC Chapter 113, 30 TAC Chapter 122, and 40 CFR 60 Subpart Ec, the owner or operator of an HMIWI unit that combusts only pathological waste, low-level radioactive waste, and/or chemotherapeutic waste is not required to submit an application for an FOP under Title V, if the only reason the unit would potentially be subject to Title V is the non-emissions control-related recordkeeping and reporting requirements associated with the exemptions for burning pathological, chemotherapeutic, and/or low-level radioactive waste. However, if the owner or operator does not comply with the recordkeeping and reporting requirements of Chapter 113, § 113.2076(e)(1) and (2), or 40 CFR § 60.50c(b)(1) and (2) as necessary to claim the exemption, the owner or operator of the HMIWI unit is required to file an application for an FOP under Title V. Title 40 CFR Part 60, Subpart Ce contains only guidelines that have been implemented in Chapter 113, §§ 113.2070 - 113.2079, therefore does not apply to this facility. In addition 40 CFR Part 60, Subpart Ec, and specifically 40 CFR § 60.50c, apply only to HMIWI that were constructed after June 20, 1996. In addition, note that the HMIWI unit may trigger other applicable requirements under Chapter 122 (for example, a HMIWI unit which is a major source) which would require submittal of an FOP application.

Bibliography:

30 TAC Chapter 122 (2001). [June 3, 2001]
40 CFR 60, Subpart Ec (2001). [July 1, 2001]
40 CFR 60, Subpart Ce (2001). [July 1, 2001]
25 Tex. Reg. 5365 (2000). [June 2, 2000]
64 Fed. Reg. 36433 (1999). [July 6, 1999]
65 Fed. Reg. 49871 (2000). [Aug. 15, 2000]
Federal Clean Air Act (1990).

Air RIT Rule Interpretation/Opinion Code #: R3-2070.002/R12-120.001/60E_c.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/rimhmpg.htm>, or from any of the air rule interpretation team members.