

## **30 TAC 122 - Rule Interpretation Memos**

! [Initial and annual compliance methods for sources with visible emissions](#) [December 3, 1998]

Last Modified: December 3, 1998

## Rule Interpretation Summary Form

**REQUEST:**

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:**

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