

Texas Commission on Environmental Quality

6 Chapter 116 - Control of Air Pollution by Permits for New Construction or Modification

6A SUBCHAPTER A : DEFINITIONS

6A **§116.20. Portable Facilities Definitions.** 6-76, TXd176

As adopted by TCEQ February 2, 2010, effective March 3, 2010 (6-76), and submitted to EPA March 19, 2010 (TX-282).

Approved by EPA October 6, 2015 (80 FR 60295) effective November 5, 2015 (TXd176), Regulations.gov docket EPA-R06-OAR-2010-0283 [TX096], document EPA-R06-OAR-2010-0283-0003 [TX096.03]

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~~Adopted May 22, 2002~~

~~Effective June 12, 2002~~

§116.20. Portable Facilities Definitions.

Unless specifically defined in the Texas Clean Air Act or in the rules of the commission, the terms used by the commission have the meanings commonly ascribed to them in the field of air pollution control. In addition to the terms that are defined by the Texas Clean Air Act, and in §101.1 of this title (relating to Definitions), the following words and terms, when used in Subchapter B, Division 8 of this chapter (relating to Portable Facilities), have the following meanings, unless the context clearly indicates otherwise.

(1) Change of location--The process of gaining approval and moving a permitted facility and associated sources to a new location in which public notice is required, in accordance with the requirements of Chapter 39 of this title (relating to Public Notice).

(2) Portable facility--A facility authorized by a permit containing special conditions that allow the facility to relocate. Portable facilities are authorized by the Texas Commission on Environmental Quality, Air Permits Division. To be a portable facility, the facility shall not exceed the major source thresholds stated in 40 Code of Federal Regulations (CFR) §51.166(b)(1) and the permit for that facility shall be designated with a portable permit number, portable registration number, or portable account number. The portable facility cannot be located at an account that is subject to the requirements for Prevention of Significant Deterioration and Nonattainment permits under Chapter 116, Subchapter B, Divisions 5 and 6 of this title (relating to Nonattainment Review Permits and Prevention of Significant Deterioration Review). These portable designations are used to facilitate the relocation of these types of facilities under specific criteria, and are not authorized under Chapter 106 of this title (relating to Permits by Rule).

(3) Project--A public works contract or series of contracts for segments of work within close proximity to each other.

(4) Related project segments--For facilities on a Texas Department of Transportation right-of-way, related project segments are one contract with multiple project locations or one contractor with multiple contracts in which separate project limits are in close proximity to each other. A facility that is sited on the right-of-way is usually within project limits. However, a facility located at an intersection or wider right-of-way outside project limits is acceptable if it can be easily associated with the project.

(5) Relocation--The process of gaining approval and moving a facility and associated sources to an approved site in which no public notice is required under Chapter 39 of this title (relating to Public Notice).

(6) Right-of-way of a public works project--Any public works project that is associated with a right-of-way. Examples of right-of-way public works projects are public highways and roads, water and sewer pipelines, electrical transmission lines, and other similar works. A facility must be in or contiguous to the right-of-way of the public works project to be exempt from the public notice requirements listed in Texas Health and Safety Code, §382.056.

(7) Site--As defined in §122.10 of this title (relating to General Definitions).

(8) Temporary facility--A facility that will occupy a designated site for not more than 180 consecutive days or that will supply material (such as concrete, hot mix asphalt, crushed rock, etc.) for a single project (single contract or same contractor for related project segments), but not other unrelated projects.

Adopted February 10, 2010

Effective March 3, 2010