

Texas Commission on Environmental Quality

Chapter 101 - General Air Quality Rules

**SUBCHAPTER A: GENERAL RULES**

**GA10 §101.10. Emissions Inventory Requirements.**

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~~Sampling shall be conducted at a frequency and within a period of time which are reasonable as specified by the commission or executive director. The sampling method shall be specified by the commission or executive director and, further, the sampling shall be conducted so as to reflect with reasonable accuracy the above listed characteristics of such emissions.~~

~~(b) Any person affected by subsection (a) of this section may request the executive director to approve alternate sampling techniques or other means to determine the opacity, rate, composition, and/or concentration of emissions. The executive director may approve such alternate methods or means if it can be demonstrated that such alternatives will be substantially equivalent to the sampling methods specified by the executive director or the commission.~~

~~(c) If requested to obtain air contaminants emission data pursuant to subsection (a) of this section, the owner or operator shall attest to and report the results so obtained to the executive director within a reasonable time specified by and on forms furnished by the executive director.~~

~~(d) Copies of all data, the computations, and results obtained under subsection (a) of this section shall be retained by the owner or operator of a source for at least five years and shall be made available to the commission, or any members, employees or agents thereof, and to any local air pollution control agencies, during regular business hours.~~

~~Adopted March 30, 1979~~

~~Effective May 6, 1979~~

### ~~§101.9. Sampling Ports.~~

~~Any person, at the request of the Texas Natural Resource Conservation Commission (TNRCC or commission), shall provide in connection with each flue a power source near the point of testing in addition to such sampling and testing facilities and sampling ports, including safe and easy access thereto, exclusive of instruments and sensing devices, as may be necessary for the commission to determine the nature and quality of emissions which are or may be discharged as a result of source operations. Evidence and data based on these samples and calculations may be used to substantiate violations of the Act, rules, and regulations. Agents of the commission shall be permitted to sample the stacks during operating hours.~~

~~Adopted March 30, 1979~~

~~Effective May 6, 1979~~

### ~~§101.10. Emissions Inventory Requirements.~~

~~(a) Applicability. The owner or operator of an account or source in the State of Texas or on waters that extend 25 miles from the shoreline meeting one or more of the~~

following conditions shall submit emissions inventories or related data as required in subsection (b) of this section to the commission on forms or other media approved by the commission:

(1) an account which meets the definition of a major facility/stationary source, as defined in §116.12 of this title (relating to Nonattainment and Prevention of Significant Deterioration Review Definitions);

(2) any account in an ozone nonattainment area emitting a minimum of ten tons per year (tpy) volatile organic compounds (VOC), 25 tpy nitrogen oxides (NO<sub>x</sub>), or 100 tpy or more of any other contaminant subject to national ambient air quality standards (NAAQS);

(3) any account that emits or has the potential to emit 100 tpy or more of any contaminant except for GHGs, individually or collectively, as listed in §101.1 of this chapter (relating to Definitions);

(4) any account which emits or has the potential to emit 10 tons of any single or 25 tons of aggregate hazardous air pollutants as defined in Federal Clean Air Act (FCAA), §112(a)(1); and

(5) any minor industrial source, area source, non-road mobile source, or mobile source of emissions subject to special inventories under subsection (b)(3) of this section. For purposes of this section, the term "area source" means a group of similar activities that, taken collectively, produce a significant amount of air pollution.

(b) Types of inventories.

(1) Initial emissions inventory. Accounts, as identified in subsection (a)(1), (2), (3), or (4) of this section, shall submit an initial emissions inventory (IEI) for any criteria pollutant or hazardous air pollutant (HAP) that has not been identified in a previous inventory. The IEI shall consist of actual emissions of VOC, NO<sub>x</sub>, carbon monoxide (CO), sulfur dioxide (SO<sub>2</sub>), lead (Pb), particulate matter of less than 10 microns in diameter (PM<sub>10</sub>), any other contaminant subject to NAAQS, emissions of all HAPs identified in FCAA, §112(b), or any other contaminant requested by the commission from individual emission units within an account. For purposes of this section, the term "actual emission" is the actual rate of emissions of a pollutant from an emissions unit as it enters the atmosphere. The reporting year will be the calendar year or seasonal period as designated by the commission. Reported emission activities must include annual routine emissions; excess emissions occurring during maintenance activities, including start-ups and shutdowns; and emissions resulting from upset conditions. For the ozone nonattainment areas, the inventory shall also include typical weekday emissions that occur during the summer months. For CO nonattainment areas, the inventory shall also include typical weekday emissions that occur during the winter

months. Emission calculations must follow methodologies as identified in subsection (c) of this section.

(2) Statewide annual emissions inventory update (AEIU). Accounts meeting the applicability requirements during an inventory reporting period as identified in subsection (a) (1), (2), (3), or (4) of this section shall submit an AEIU which consists of actual emissions as identified in subsection (b) (1) of this section if any of the following criteria are met. If none of the following criteria are met, a letter certifying such shall be submitted instead:

(A) any change in operating conditions, including start-ups, permanent shut-downs of individual units, or process changes at the account, that results in at least a 5.0% or 5 tpy, whichever is greater, increase or reduction in total annual emissions of VOC, NO<sub>x</sub>, CO, SO<sub>2</sub>, Pb, or PM<sub>10</sub> from the most recently submitted emissions data of the account; or

(B) a cessation of all production processes and termination of operations at the account.

(3) Special inventories. Upon request by the executive director or a designated representative of the commission, any person owning or operating a source of air emissions which is or could be affected by any rule or regulation of the commission shall file emissions-related data with the commission as necessary to develop an inventory of emissions. Owners or operators submitting the requested data may make special procedural arrangements with the Emissions Assessment Section to submit data separate from routine emission inventory submissions or other arrangements as necessary to support claims of confidentiality.

(c) Calculations. Actual measurement with continuous emissions monitoring systems (CEMS) is the preferred method of calculating emissions from a source. If CEMS data is not available, other means for determining actual emissions may be utilized in accordance with detailed instructions of the commission. Sample calculations representative of the processes in the account must be submitted with the inventory.

(d) Certifying statement. A certifying statement, required by the FCAA, §182(a)(3)(B), is to be signed by the owner(s) or operator(s) and shall accompany each emissions inventory to attest that the information contained in the inventory is true and accurate to the best knowledge of the certifying official.

(e) Reporting requirements. The IEI or subsequent AEIUs shall contain emissions data from the previous calendar year and shall be due on March 31 of each year or as directed by the commission. Owners or operators submitting emissions data may make special procedural arrangements with the Emissions Assessment Section to submit data separate from routine emission inventory submissions or other

arrangements as necessary to support claims of confidentiality. Emissions-related data submitted under a special inventory request made under subsection (b)(3) of this section are due as detailed in the letter of request.

(f) Enforcement. Failure to submit emissions inventory data as required in this section shall result in formal enforcement action under Texas Water Code, Chapter 7.

Adopted March 26, 2014

Effective April 17, 2014

~~**§101.13. Use and Effect of Rules.**~~

~~These rules may be used by the Texas Natural Resource Conservation Commission (TNRCC or commission) as guides in the exercise of discretion, where discretion is vested. They shall not be construed as a limitation or restriction on the exercise of discretion, where it exists, nor shall they be construed to deprive the commission of the exercise of any power, duties, and jurisdiction conferred by law, or to limit or restrict the amount and character of data or information which may be required for the proper administration of the law.~~

~~Adopted March 30, 1979~~

~~Effective May 6, 1979~~

~~**§101.14. Sampling Procedures and Terminology.**~~

~~Where not otherwise specified in the rules, regulations, determinations, and orders of the Texas Natural Resource Conservation Commission, the procedures used for sampling air and measuring air contaminants, and the methods of expressing the findings shall be those commonly accepted and used in the field of air pollution control.~~

~~Adopted March 30, 1979~~

~~Effective May 6, 1979~~

~~**§101.18. Remedies Cumulative.**~~

~~The administrative and judicial procedures available to the Texas Natural Resource Conservation Commission (TNRCC or commission) to prevent, correct, or remedy air pollution conditions or violations are cumulative. Within the limits of the authority set forth in the Act and these rules, the commission or the executive director may act under any one or more of these procedures, as applicable to the facts of a particular air pollution condition or claimed violation.~~

~~Adopted March 30, 1979~~

~~Effective May 6, 1979~~

~~**§101.19. Severability.**~~