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April 1, 1982

Ms. S. Kay Phillips
Shell Oil Company
One Shell Plaza
P.O. Box 2463
Houston, Texas 77001

Dear Ms. Phillips:

In regard to your letter of March 24, 1982, I have reviewed the stack height regulations and accompanying preamble language and I have consulted with our Office of General Counsel. We concluded that the flares, of the type you describe, are not to be considered stacks under the regulations. The word "intermittent" in the preamble of the regulations refers to the intermittent release nature of flares due to process rate fluctuations and not whether the flare may be on line intermittently or constantly. We agree that flares are designed primarily for the safe release of potential heat in the exit gases and are not conduits for a combustion process such as a boiler. Therefore, any ambient air quality modeling of criteria pollutants coming from a flare would be modeled at the actual release height.

I hope this letter clarifies our position with regard to flares and the definition of a stack. I have notified, by copy of this letter, our Regional Offices of this policy.

Sincerely yours,

Darryl D. Tyler
Acting Director
Control Programs Development Division

cc: Chief, Air Branch, Regions I-X (w/incoming)

bcc: T. Helms (w/incoming)
T. Kaneen