



TCEQ Compliance Alert: Guide to Oil and Gas Emissions Events

To improve consistency in the evaluation of emissions events (EE) reports from oil and gas operations, TCEQ has developed updated guidelines for operators to determine if an incident is an emissions event or a routine event.

In the oil and gas sector, flaring and venting of natural gas streams may occur due to centralized gas plant outages, pipeline capacity limitations, maintenance, and other planned and unplanned activities.

Regarding air emissions, the Railroad Commission of Texas (RRC) regulates flaring and venting operations with respect to preventing the waste of natural resources through authorization by rule and exceptions (also known as permits) under its [Statewide Rule 32](#). The TCEQ has jurisdiction over air emissions resulting from flaring and venting operations at oil and gas production and processing sites.

Is it a Routine Event or an Emissions Event?

If activities and resulting emissions are routine, planned and/or predictable but are unauthorized, then the incident does not qualify as an emissions event and should either be authorized with applicable control requirements through the TCEQ's permitting program or prevented.

Proper classification of incidents as either a *routine event* or an *emissions event* is important because the regulatory obligations differ depending on the characterization. The affirmative defense in [30 TAC § 101.222](#), applies to emissions events but does not apply to routine events and predictable emissions.

Emissions event--Any upset event or unscheduled maintenance, startup, or shutdown activity, from a common cause that results in unauthorized emissions of air contaminants from one or more emissions points at a regulated entity. ([30 TAC §101.1](#)).

Upset event--An unplanned and unavoidable breakdown or excursion of a process or operation that results in unauthorized emissions. A maintenance, startup, or shutdown activity that was reported under §101.211 of this title (relating to Scheduled Maintenance, Startup, and Shutdown Reporting and Recordkeeping Requirements), but had emissions that exceeded the reported amount by more than a reportable quantity due to an unplanned and unavoidable breakdown or excursion of a process or operation is an upset event ([30 TAC §101.1](#)).

Activities that are predictable or could be planned/anticipated are *routine events*. These include emissions that were caused by routine maintenance startup and shutdown (MSS), are part of normal or routine operations, and/or were predictable and could be authorized. Emissions from these activities should be prevented, if possible, or authorized by TCEQ, with applicable control requirements. Unauthorized emissions from planned MSS activities included in the [Oil and Gas](#)

[MSS Permit By Rule \(PBR\)](#) (30 TAC §106.359) and the [Oil and Gas Standard Permit](#) are not an emissions event.

Examples of routine events include (but are not limited to) certain maintenance events at the facility, including:

- Turbine washing
- Scheduled equipment repair or replacement
- Maintenance blow downs
- Routine pigging activities
- Any of the maintenance events listed above at dependent facilities that impact the ability to receive gas

The affirmative defense in 30 TAC §101.222 does not apply to routine and predictable emissions. Under 30 TAC §101.222, an affirmative defense to penalties is available for non-excessive emissions events and unplanned MSS activities.

If the emissions are a result of an *unexpected and unavoidable breakdown or excursion of a process*, they should be treated as an Upset Event (emissions event) and the regulated entity should comply with the recordkeeping and reporting requirements in 30 TAC Chapter 101.

Reporting:

Except for operations that meet the definition of a small business, reports should be submitted via the [State of Texas Environmental Electronic Reporting System](#) (STEERS). Small Businesses can submit a paper form. For more information, please visit our [Oil and Gas Compliance Assistance Webpage](#).

Assistance

For additional questions or assistance with reporting an upset or emissions event, please review the FAQ on our [Oil and Gas Compliance Assistance Website](#). You can also call our confidential compliance hotline from 8am to 5pm Monday through Friday with the option to leave a voicemail outside of office hours at 800-447-2827 for assistance.

STEERS Support

<https://www3.tceq.texas.gov/steers/help/aeme/create.html>

<https://www3.tceq.texas.gov/steers/index.cfm?fuseaction=login.contactus>

512-239-6925

steers@tceq.texas.gov

Free Online Workshops for the Oil and Gas Industry

The TCEQ will be hosting a series of **free** online workshops for the Oil and Gas Industry covering **Emissions Events November 5, 2020, Permitting Options for Oil and Gas November 12, 2020 and the Texas Environmental, Health, and Safety Audit Privilege Act and the Permian Basin Find and Fix Initiative on November 17, 2020.** [Register HERE](#)

To sign up for future industry workshop registration alerts, please visit <https://public.govdelivery.com/accounts/TXTCEO/subscriber/new> to subscribe to your choice of topics via text or email, or to receive *The Advocate*, a periodic publication that provides

updates on regulatory concerns and rules for small businesses and local governments, please visit <https://www.tceq.texas.gov/assistance/resources/e-advocate.html>.