

Bryan W. Shaw, Ph.D., *Chairman*  
Buddy Garcia, *Commissioner*  
Carlos Rubinstein, *Commissioner*  
Mark R. Vickery, P.G., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

November 7, 2011

TO: Persons on the attached mailing list.

RE: Enterprise Products Operating LLC  
Permit No. 73384

### **Decision of the Executive Director.**

The executive director has made a decision that the above-referenced permit application meets the requirements of applicable law. **This decision does not authorize construction or operation of any proposed facilities.** This decision will be considered by the commissioners at a regularly scheduled public meeting before any action is taken on this application unless all requests for contested case hearing or reconsideration have been withdrawn before that meeting.

Enclosed with this letter is a copy of the Executive Director's Response to Comments. A copy of the complete application, draft permit and related documents, including public comments, is available for review at the TCEQ Central office. A copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at the TCEQ central office, the TCEQ San Antonio regional office, and at the Bandera County Library, 515 Main Street, Bandera, Bandera County, Texas. The facility's compliance file, if any exists, is available for public review at the TCEQ San Antonio Regional Office, 14250 Judson Rd, San Antonio, Texas.

If you disagree with the executive director's decision, and you believe you are an "affected person" as defined below, you may request a contested case hearing. In addition, anyone may request reconsideration of the executive director's decision. A brief description of the procedures for these two requests follows.

### **How To Request a Contested Case Hearing.**

It is important that your request include all the information that supports your right to a contested case hearing. You must demonstrate that you meet the applicable legal requirements to have your hearing request granted. The commission's consideration of your request will be based on the information you provide.

The request must include the following:

- (1) Your name, address, daytime telephone number, and, if possible, a fax number.
- (2) If the request is made by a group or association, the request must identify:

- (A) one person by name, address, daytime telephone number, and, if possible, the fax number, of the person who will be responsible for receiving all communications and documents for the group; and
  - (B) one or more members of the group that would otherwise have standing to request a hearing in their own right. The interests the group seeks to protect must relate to the organization's purpose. Neither the claim asserted nor the relief requested must require the participation of the individual members in the case.
- (3) The name of the applicant, the permit number and other numbers listed above so that your request may be processed properly.
  - (4) A statement clearly expressing that you are requesting a contested case hearing. For example, the following statement would be sufficient: "I request a contested case hearing."

Your request must demonstrate that you are an **"affected person."** An affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. Your request must describe how and why you would be adversely affected by the proposed facility or activity in a manner not common to the general public. For example, to the extent your request is based on these concerns, you should describe the likely impact on your health, safety, or uses of your property which may be adversely affected by the proposed facility or activities. To demonstrate that you have a personal justiciable interest, you must state, as specifically as you are able, your location and the distance between your location and the proposed facility or activities. A person who may be affected by emissions of air contaminants from the facility is entitled to request a contested case hearing.

Your request must raise disputed issues of fact that are relevant and material to the commission's decision on this application. The request must be based on issues that were raised during the comment period. The request cannot be based solely on issues raised in comments that have been withdrawn. The enclosed Response to Comments will allow you to determine the issues that were raised during the comment period and whether all comments raising an issue have been withdrawn. The public comments filed for this application are available for review and copying at the Chief Clerk's office at the address below.

To facilitate the commission's determination of the number and scope of issues to be referred to hearing, you should: 1) specify any of the executive director's responses to comments that you dispute; and 2) the factual basis of the dispute. In addition, you should list, to the extent possible, any disputed issues of law or policy.

## **How To Request Reconsideration of the Executive Director's Decision.**

Unlike a request for a contested case hearing, anyone may request reconsideration of the executive director's decision. A request for reconsideration should contain your name, address, daytime phone number, and, if possible, your fax number. The request must state that you are requesting reconsideration of the executive director's decision, and must explain why you believe the decision should be reconsidered.

### **Deadline for Submitting Requests.**

A request for a contested case hearing or reconsideration of the executive director's decision must be **received by** the Chief Clerk's office no later than **30 calendar days** after the date of this letter. You may submit your request electronically at <http://www.tceq.texas.gov/about/comments.html> or by mail to the following address:

Bridget C. Bohac, Chief Clerk  
TCEQ, MC-105  
P.O. Box 13087  
Austin, Texas 78711-3087

### **Processing of Requests.**

Timely requests for a contested case hearing or for reconsideration of the executive director's decision will be referred to the alternative dispute resolution director and set on the agenda of one of the commission's regularly scheduled meetings. Additional instructions explaining these procedures will be sent to the attached mailing list when this meeting has been scheduled.

### **How to Obtain Additional Information.**

If you have any questions or need additional information about the procedures described in this letter, please call the Public Participation and Education Program, toll free, at 1-800-687-4040.

Sincerely,



Bridget C. Bohac  
Chief Clerk

BCB/ms

Enclosure

MAILING LIST  
for  
Enterprise Products Operating LLC  
Permit No. 73384

FOR THE APPLICANT:

Terry L. Hurlburt, Senior Vice President  
Gas Pipeline Plant Operations  
Enterprise Products Operating LLC  
P.O. Box 4324  
Houston, Texas 77210

INTERESTED PERSONS:

David Mabry  
P.O. Box 1952  
Bandera, Texas 78003

FOR THE EXECUTIVE DIRECTOR  
via electronic mail:

Brian Christian, Director  
Texas Commission on Environmental  
Quality  
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Public Education Program MC-108  
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Alexis Lorick, Staff Attorney  
Texas Commission on Environmental  
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Environmental Law Division MC-173  
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Marc Sturdivant, Technical Staff  
Texas Commission on Environmental  
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Air Permits Division MC-163  
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FOR PUBLIC INTEREST COUNSEL  
via electronic mail:

Blas J. Coy, Jr., Attorney  
Texas Commission on Environmental  
Quality  
Public Interest Counsel MC-103  
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Austin, Texas 78711-3087

FOR THE CHIEF CLERK  
via electronic mail:

Bridget C. Bohac, Chief Clerk  
Texas Commission on Environmental  
Quality  
Office of Chief Clerk MC-105  
P.O. Box 13087  
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TCEQ AIR QUALITY PERMIT NUMBER 73384

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

2011 NOV -2 AM 11:47

CHIEF CLERKS OFFICE

APPLICATION BY	§	BEFORE THE
Enterprise Products Operating LLC	§	TEXAS COMMISSION ON
Bandera Compressor Station	§	ENVIRONMENTAL QUALITY
Bandera, Bandera County	§	

**EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT**

The Executive Director of the Texas Commission on Environmental Quality (the commission or TCEQ) files this Response to Public Comment (Response) on the New Source Review (NSR) Authorization application and the Executive Director's preliminary decision.

As required by Title 30 Texas Administrative Code (TAC) § 55.156, before an application is approved, the Executive Director prepares a response to all timely, relevant and material, or significant comments. The Office of Chief Clerk timely received one comment letter from Mr. Dave Mabry. This Response addresses all timely public comments received, whether or not withdrawn. If you need more information about this permit application or the permitting process please call the TCEQ Public Education Program at 1-800-687-4040. General information about the TCEQ can be found at our website at [www.tceq.texas.gov](http://www.tceq.texas.gov).

**BACKGROUND**

Description of Facility

Enterprise Products Operating, LLC, (Applicant or Enterprise) has applied to the TCEQ for an NSR authorization under Texas Clean Air Act (TCAA) § 382.0518. This will authorize the modification of an existing facility that may emit air contaminants.

This permit will authorize Enterprise to modify an existing compressor station, increasing the emission of volatile organic compounds (VOC) and carbon monoxide (CO) pollutants from three reciprocating engines at its site. In addition, the Applicant is updating its maximum allowable emission rates table (MAERT) to reflect emitted formaldehyde emissions. The facility is located at 4995 State Highway 16 S, Bandera, Bandera County. Contaminants authorized under this permit include organic compounds, CO, nitrogen oxides (NO<sub>x</sub>), sulfur dioxide (SO<sub>2</sub>), formaldehyde (CH<sub>2</sub>O), and

particulate matter (PM), including particulate matter with diameters of 10 and 2.5 microns and less (PM<sub>10</sub> and PM<sub>2.5</sub>, respectively).

### Procedural Background

Before work is begun on the modification of an existing facility that may emit air contaminants, the person planning the modification must obtain authorization from the commission. This permit application is for a permit amendment of Air Quality Permit Number 73384.

Air Quality Permit 73384 was initially issued by the commission March 25, 2005. The application amending Permit No. 73384 was received on October 28, 2010, and declared administratively complete on March 8, 2011. The Notice of Receipt and Intent to Obtain an Air Quality Permit (NORI or first public notice) for this permit application was published on March 31, 2011, in the *Bandera County Courier*. The Notice of Application and Preliminary Decision for an Air Quality Permit (NAPD or second public notice) was published on July 28, 2011, in the *Bandera County Courier*. One timely request for a public meeting was received. The request for a public meeting was denied by the Executive Director's staff in accordance with 30 TAC 30 § 55.154(c). The public comment period for this application ended August 29, 2011. A copy of the amended MAERT and proposed draft permit was available for viewing at the Bandera County Public Library, 515 Main Street, Bandera, TX 78003 during the public comment period. For the public's convenience, a copy of the updated MAERT and permit conditions for permit 73384 will also be filed with this Response.

### **COMMENTS AND RESPONSES**

**COMMENT 1:** Mr. Mabry is generally concerned that emissions from the facility would adversely affect the health and welfare of the people who live in the areas surrounding the facility. Specifically, he commented that he is concerned that the emission of the proposed contaminants would adversely affect the health of surrounding residents with medical issues related to their hearts or lungs.

**RESPONSE 1:** For air quality applications such as Permit No. 73384, the potential impacts to human health and welfare, or the environment are determined by comparing predicted emission concentrations from the proposed changes to the facility to appropriate state and federal standards and effects screening levels. The specific health-based standards or guidance levels employed in evaluating the potential emissions include the

National Ambient Air Quality Standards (NAAQS), TCEQ standards contained in 30 TAC, and the TCEQ Effect Screening Levels (ESLs).

The NAAQS, as created by the United States Environmental Protection Agency (EPA) are defined in the federal regulations (40 CFR § 50.2), and include both primary and secondary standards. Primary standards are those which the Administrator of the EPA determines are necessary, within an adequate margin of safety, to protect the public health, including sensitive members of the population such as children, the elderly, and individuals with existing lung or cardiovascular conditions. Secondary NAAQS are those which the Administrator determines are necessary to protect the public welfare and the environment, including animals, crops, vegetation, and buildings, from any known or anticipated adverse effects associated with the presence of an air contaminant in the ambient air. The NAAQS are set for what are known as criteria pollutants. The criteria pollutants for which the EPA has established a NAAQS are ozone (O<sub>3</sub>), lead (Pb), CO, SO<sub>2</sub>, nitrogen dioxide (NO<sub>2</sub>), and PM, specifically PM<sub>10</sub>, and PM<sub>2.5</sub>. If the proposed facility is operated as required by the conditions of the draft permit, and the Applicant's representations in its application, the Executive Director's staff does not anticipate any adverse effects on human health or the environment.

For most permit applications, an air quality analysis is performed, which may include air dispersion modeling. The results from the air dispersion modeling are compared to the ESLs. ESLs are constituent-specific guideline concentrations used in TCEQ's evaluation of constituent concentrations in air. These guidelines are developed by the TCEQ Toxicology Division and are based on a constituent's potential to cause adverse health effects, odor nuisances, and effects on vegetation. These health-based screening levels are set at concentrations lower than those reported to produce adverse health effects, and are set to protect the general public, including sensitive subgroups. Adverse health effects are not expected to occur if the predicted air concentration of a constituent is below its ESL. If an air concentration of a constituent is above the ESL, it is not necessarily indicative that an adverse effect will occur, but rather that further evaluation is warranted. Generally, maximum concentrations predicted to occur at a sensitive receptor, which are at or below the ESL, would not be expected to cause adverse effects.

The likelihood of whether adverse health effects caused by emissions from the Applicant's facility could occur in members of the general public, including sensitive subgroups, was determined by comparing the facility's predicted air dispersion computer modeling concentrations to the relevant

state and federal standards and ESLs. TCEQ background concentrations from the geographic area surrounding the site or other appropriate background concentrations are added to the modeled concentrations when applicable. The overall evaluation process provides a conservative prediction that is protective of the public. The modeling predictions were reviewed by TCEQ's Air Permits Division, and the modeling analysis was determined to be acceptable. As a result, the predicted ground level concentrations of each contaminant from the proposed facility are not likely to adversely impact off-property receptors.

In this case, air dispersion modeling was conducted for the emission of PM, CO, and VOCs. The air dispersion modeling was performed by the TCEQ Staff using EPA's SCREEN3 modeling program and evaluated for potential impacts. The results of the modeling demonstrate that the maximum ground level concentrations are below state and federal guidelines designed to protect human health and the environment. Consequently, adverse health effects are not expected.

The applicant must also comply with 30 TAC § 101.4, which prohibits nuisance conditions. Specifically, the rule states, "No person shall discharge from any source whatsoever one or more air contaminants or combinations thereof, in such concentration and of such duration as are or may tend to be injurious to or to adversely affect human health or welfare, animal life, vegetation, or property, or as to interfere with the normal use and enjoyment of animal life, vegetation, or property." As long as the facility is operated in compliance with the terms of the permit, nuisance conditions are not expected.

In summary, based on the potential concentrations reviewed by TCEQ staff, it is not expected that existing health conditions will worsen, or that there will be adverse health effects in the general public, sensitive subgroups (including children, pregnant women, the elderly, and people with pre-existing conditions such as asthma), or animal life as a result of exposure to emissions from the Applicant's facility.

Individuals are encouraged to report any concerns about nuisance issues or suspected noncompliance with terms of any permit or other environmental regulation by contacting the TCEQ San Antonio Regional Office at (210)490-3096, or by calling the 24-hour toll-free Environmental Complaints Hotline at 1-888-777-3186. If the facility is found to be out of compliance with the terms and conditions of the permit, it will be subject to possible enforcement action. Citizen-collected evidence may be used in such an action. The TCEQ has long had procedures in place for accepting environmental complaints

from the general public but now has a new tool for bringing potential environmental problems to light. Under the citizen-collected evidence program, individuals can provide information on possible violations of environmental law, and the information can be used by the TCEQ to pursue enforcement. In this program, citizens can become involved and may eventually testify at a hearing or trial concerning the violation. See 30 TAC § 70.4, Enforcement Action Using Information Provided by Private Individual, for details on gathering and reporting such evidence. For additional information, see the TCEQ publication, "Do You Want to Report an Environmental Problem? Do You Have Information or Evidence?" This booklet is available in English and Spanish from the TCEQ Publications office at 512-239-0028, and may be downloaded from the agency website at [www.tceq.texas.gov](http://www.tceq.texas.gov) (under Publications, search for document no. 278).

**COMMENT 2:** Mr. Mabry commented that the emissions of the contaminants authorized under Permit No. 73384 would be spread by traffic traveling to and from Bandera given the close proximity of the existing plant to State Highway 16.

**RESPONSE 2:** The TCEQ's jurisdiction is established by the Legislature and is limited to the issues set forth in the statute and the TCAA. TCEQ regulates facilities, and permit 73384 is for the amendment of an existing compressor station, located in Bandera County. The TCAA § 382.003(6) states that the definition of a facility, ". . . means a discrete or identifiable structure, device, item, equipment, or enclosure that constitutes or contains a stationary source, including appurtenances other than emission control equipment. *A mine, quarry, well test, or road is not considered a facility (emphasis added).*" The commission has no jurisdiction to regulate, nor does the commission regulate mobile sources. However, the Applicant must comply with 30 TAC § 101.4, discussed in Response 1, and 30 TAC § 101.5, Traffic Hazard. 30 TAC § 101.5 states, "No person shall discharge from any source whatsoever such quantities of air contaminants, uncombined water, or other materials which cause or have a tendency to cause a traffic hazard or an interference with normal road use."

**COMMENT 3:** Mr. Mabry commented that the permit should not be issued because of the proximity of the station to neighborhoods and the Privilege Creek surface water basin, which he states is less than a mile from the Medina River.

**RESPONSE 3:** As stated in Response 2, the TCEQ's jurisdiction is limited to the issues set forth in statute. Facility location (land use) choices and

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zoning are beyond the scope of review for a case by case NSR application. Any concerns regarding land use and zoning should be directed to the appropriate local municipal officials. In addition, while the TCEQ is responsible for the environmental protection of all media (including water) the law governing air permits deals specifically with air-related issues. The issuance of an air quality authorization does not negate the need for other authorizations, as applicable, prior to start of construction or operations, and it does not authorize the contamination of other media. The scope of this air quality permit application review does not include a water assessment or consideration of issues involving water quality or quantity. Depending on the nature of the facility's operations, the Applicant may be required to apply for separate permits that protect water quality.

**COMMENT 4:** Mr. Mabry asked how the compressor station operates, specifically, about how the proposed contaminants would be released, how many tons per year of contaminants would be released, what PM consists of, and if the PM will be captured or released into the air.

**RESPONSE 4:** Enterprise is currently authorized to emit contaminants from one emission point, consisting of three reciprocating engines. Based on the Applicant's representations in its application, emissions from the reciprocating engines will be released from stacks that are approximately 24 feet above ground level.

Enterprise's reciprocating engines are currently authorized to emit contaminants including VOCs, CO, NO<sub>x</sub>, SO<sub>2</sub>, CH<sub>2</sub>O, and PM<sub>10</sub> (which includes PM<sub>2.5</sub>). The initial issuance of permit 73384 authorized Enterprise to emit no more than 1,853.97 tons per year (tpy) of NO<sub>x</sub>, 139.05 tpy of CO, 11.67 tpy of VOCs, 0.24 tpy of SO<sub>2</sub>, and 3.93 tpy of PM<sub>10</sub> total from the three reciprocating engines. Enterprise has submitted an application to amend its operations, requesting authorization to increase the emissions of CO and VOCs from its engines due to a change in emission factors. If the amendment to the draft permit is issued, the Applicant will be authorized to emit no more than 146.00 tpy of CO and 46.52 tpy of VOCs. In addition, the MAERT, which is a table that lists all the contaminants and the mass emission rates that the Applicant is authorized to emit from its facility, will be updated to reflect formaldehyde emissions (CH<sub>2</sub>O) of 11.58 tpy from the Applicant's compressor station.

PM consists of solid particles and liquid droplets found in the air. Particles equal to or less than 10 micrometers or microns (µm) in diameter (PM<sub>10</sub>) are referred to as "coarse" particles, and particles equal to or less than 2.5 µm in diameter (PM<sub>2.5</sub>) are referred to as "fine" particles. PM emissions from

this facility consist of a natural by-product of combustion of pipeline quality natural gas.

Based on the size of the natural gas fired engines at this site, it has been previously determined during initial review of the permit that conventional PM emission controls (i.e. "capturing" PM) are not technically feasible for this plant. Best Available Control Technology (BACT) for PM emissions at this compressor station is the use of pipeline quality natural gas and good combustion practices. Pipeline quality natural gas is used instead of raw natural gas because impurities are removed from the raw natural gas before it is allowed into a pipeline, thus allowing for cleaner burning. Because the Applicant's request to amend Permit No. 73384 does not include an increase in PM emissions, TCEQ regulations do not require a review of the BACT installed at the facility. The PM emissions from the site meet current BACT, and the previous air quality analysis conducted during the initial issuance of Permit No. 73384 indicates that the PM emission rates require no further controls.

**CHANGES MADE IN RESPONSE TO COMMENT**

No changes to the draft permit have been made in response to public comment. A copy of the MAERT has been filed with this Response.

Respectfully submitted,

Texas Commission on Environmental  
Quality

Mark R. Vickery, P.G., Executive  
Director

Stephanie Bergeron Perdue, Deputy  
Director  
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Representing the  
Executive Director of the  
Texas Commission on  
Environmental Quality

Emission Sources - Maximum Allowable Emission Rates

Permit Number 73384

This table lists the maximum allowable emission rates and all sources of air contaminants on the applicant's property covered by this permit. The emission rates shown are those derived from information submitted as part of the application for permit and are the maximum rates allowed for these facilities, sources, and related activities. Any proposed increase in emission rates may require an application for a modification of the facilities covered by this permit.

Air Contaminants Data

Emission Point No. (1)	Source Name (2)	Air Contaminant Name (3)	Emission Rates	
			lbs/hour	TPY (4)
606	Unit 606 Delaval HCV-16.CV Reciprocating Engine	NO <sub>x</sub>	141.09	617.99
		CO	11.11	48.67
		VOC	3.54	15.51
		SO <sub>2</sub>	0.02	0.08
		PM <sub>10</sub>	0.30	1.31
		CH <sub>2</sub> O	0.88	3.86
627	Unit 627 Delaval HCV-16.CV Reciprocating Engine	NO <sub>x</sub>	141.09	617.99
		CO	11.11	48.67
		VOC	3.54	15.51
		SO <sub>2</sub>	0.02	0.08
		PM <sub>10</sub>	0.30	1.31
		CH <sub>2</sub> O	0.88	3.86
628	Unit 628 Delaval HCV-16.CV Reciprocating Engine	NO <sub>x</sub>	141.09	617.99
		CO	11.11	48.67
		VOC	3.54	15.51
		SO <sub>2</sub>	0.02	0.08
		PM <sub>10</sub>	0.30	1.31
		CH <sub>2</sub> O	0.88	3.86

Emission Sources - Maximum Allowable Emission Rates

- (1) Emission point identification - either specific equipment designation or emission point number from plot plan.
- (2) Specific point source name. For fugitive sources, use area name or fugitive source name.
- (3) VOC - volatile organic compounds as defined in Title 30 Texas Administrative Code § 101.1  
NO<sub>x</sub> - total oxides of nitrogen  
SO<sub>2</sub> - sulfur dioxide  
PM<sub>10</sub> - total particulate matter equal to or less than 10 microns in diameter, including PM<sub>2.5</sub>, as represented  
CO - carbon monoxide  
CH<sub>2</sub>O - formaldehyde
- (4) Compliance with annual emission limits (tons per year) is based on a 12-month rolling period.
- (5) Emission rate is an estimate and is enforceable through compliance with the applicable special condition(s) and permit application representations.

Date: \_\_\_\_\_

**DRAFT**