

TCEQ AIR QUALITY PERMIT NUMBER 56414

APPLICATION BY	§	BEFORE THE
GULF SOUTH PIPELINE	§	TEXAS COMMISSION ON
COMPANY, LP	§	ENVIRONMENTAL QUALITY
COMPRESSOR STATION	§	
GOODRICH, POLK COUNTY	§	

CHIEF CLERK OFFICE

2015 FEB 12 PM 2:21

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

The Executive Director (ED) of the Texas Commission on Environmental Quality (the commission or TCEQ) files this Response to Public Comment on the New Source Review Authorization application and 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 comments from the following person: Dee Knipe. This response addresses all timely public comments received, whether or not withdrawn.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

Gulf South Pipeline Company, LP has applied to the TCEQ for the renewal of a New Source Review Authorization under Texas Clean Air Act (TCAA) § 382.0518. This will authorize the continued operation of an existing plant that may emit air contaminants.

This permit will authorize the applicant to continue operation of an existing permitted plant consisting of three natural gas-fired reciprocating engines at a natural gas compressor station. The plant is located at 228 East FM 1988, Goodrich, Polk County. Contaminants authorized under this permit include organic compounds, nitrogen oxides (NO<sub>x</sub>), carbon monoxide (CO), sulfur dioxide (SO<sub>2</sub>) and particulate matter including particulate matter less than 10 microns in diameter (PM and PM<sub>10</sub>) and particulate matter less than 2.5 microns in diameter (PM<sub>2.5</sub>).

Procedural Background

To continue operating an existing plant that may emit air contaminants, the person planning the continued operation must obtain a permit renewal from the commission. This permit application is for a permit renewal of Air Quality Permit Number 56414.

The permit application was received on April 10, 2014, and declared administratively complete on May 1, 2014. The Notice of Receipt and Intent to Obtain an Air Quality Permit (public notice) for this permit application was published in English on May 22, 2014, in the *Polk County Enterprise*. The notice was republished on July 17, 2014, in the *Polk County Enterprise* after

correcting formatting errors in the initial publication. No alternative language publication is available in this area.

## **COMMENTS AND RESPONSES**

### **COMMENT 1:**

The commenter requested a contested case hearing.

### **RESPONSE 1:**

The contested case hearing request received for this renewal application will be processed in accordance with the TCAA and applicable TCEQ rules. The TCAA provides that the commission may not hold a contested case hearing for a renewal application where there is no change in the allowable emissions rates or in the emission of any new contaminant, unless the facility is classified as a "poor performer" under the commission's compliance history rules, found in 30 TAC Chapter 60.

During the technical review, a compliance history review of the company and the site is conducted based on the criteria in 30 TAC Chapter 60. These rules may be found at the following website: <http://www.tceq.state.tx.us/rules/index.html>. The compliance history for the company and site is reviewed for the five year period prior to the date the permit application was received by the Executive Director. The compliance history includes multimedia compliance related components about the site under review. These components include the following: enforcement orders, consent decrees, court judgments, criminal convictions, chronic excessive emission events, investigations, notices of violations, audits and violations disclosed under the Audit Act, environmental management systems, voluntary on-site compliance assessments, voluntary pollution reduction programs, and early compliance.

Gulf South Pipeline Company's permit application was received after September 1, 2002, and the company and site have been rated and classified pursuant to 30 TAC Chapter 60. A company and site may have one of the following classifications and ratings:

- High: rating below 0.10 – complies with environmental regulations extremely well;
- Satisfactory: rating 0.10 – 55.00 – generally complies with environmental regulations;
- Unsatisfactory: rating greater than 55.00 – fails to comply with a significant portion of the relevant environmental regulations.

This site has a rating of 0.00 and a classification of "High". The company rating and classification, which is the average of the ratings for all sites the company owns, is 1.81 and a classification of "Satisfactory".

Gulf South Pipeline Company's compliance history rating does not fall into the "poor performer" category. A final determination of whether a contested case hearing will be granted will be made by the commission in an open meeting.

### **COMMENT 2:**

The commenter stated that emissions from the plant have an adverse effect on her health and property. The commenter raised specific concerns about the air quality near her home because she suffers from allergies, swelling, breathing difficulties, and infections. In addition, the

commenter observed that children in the community also suffered from breathing difficulties and swelling.

**RESPONSE 2:**

Prior to the permit holder obtaining their original NSR permit, a technical review was conducted, which consisted of an assessment of best available control technology (BACT) and an impacts review of human health and welfare effects related to emissions from operation. The technical review found that the operation of the plant would comply with all the rules of the TCEQ and the intent of the TCAA, and no adverse health effects were expected. The current permit renewal application does not seek to authorize any new facilities, nor does it authorize any modification to the existing plant. Further, the permit renewal application does not request an increase in the plant's allowable emission rates, nor does it request to emit any new air pollutants. Therefore, reevaluation of previous health and welfare effects is not necessary for this permit renewal application.

Pursuant to 30 TAC § 116.314(a), "The ED shall renew a permit and notify the permit holder in writing if it is determined that the facility meets the requirements of this subchapter." Subchapter D of Chapter 116, concerning permit renewals, provides for a limited application review by the ED when the applicant has a satisfactory compliance history, and does not seek any change to production rates, controls, raw materials, character of emissions, or emissions rates. The Commission's finding that the facility operations would not result in adverse health effects remains constant and unchanged. Additionally, TCEQ records reflect that the applicant has a satisfactory compliance history. Insofar as the renewal application meets all of the applicable regulation requirements, the ED has no grounds to deny the renewal of the permit.

In addition to complying with the federal and state standards and guidelines mentioned above, applicants must also comply with 30 TAC § 101.4, which prohibits nuisance conditions. Specifically the rule states, "No person shall discharge from any source" air contaminants which are or may "tend to be injurious to or 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." "Air contaminant" is defined in the 30 TAC § 382.003(2), to include "particulate matter, radioactive material, dust, fumes, gas, mist, smoke, vapor, or odor." Emissions from the facility are not expected to produce nuisance odors. Individuals are encouraged to report any concerns about nuisance issues by contacting the Regional Office at 409-898-3838, or by calling the twenty-four hour toll-free Environmental Complaints Hotline at 1-888-777-3186. The TCEQ investigates all complaints received. 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.

**COMMENT 3:**

The commenter noted that the applicant did not include plans to improve the plant or the plant's procedures in its application.

**RESPONSE 3:**

The three pipeline facilities authorized by this permit were originally constructed in 1952 and were considered "grandfathered" facilities (exempt from TCAA requirements) until brought into the TCEQ air permitting program in 2004. House Bill 2912 of the 77<sup>th</sup> Texas Legislature in 2001

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required TCEQ to, by rule, provide for the issuance of permits, such as those operated by Gulf South, for pipeline facilities. The rules governing these facilities are found in 30 TAC §§ 116.770-.790. Included in these rules was the requirement to reduce NO<sub>x</sub> emissions by 50% from previously grandfathered facilities such as these through the use of emissions controls and demonstrated via stack sampling. The emissions controls for the three engines authorized through the initial issuance of this permit in 2004 were non-selective catalytic reduction with air-fuel ratio controllers. The Gulf South pipeline facilities authorized by this permit demonstrated reductions of 153 tons NO<sub>x</sub> per year and 46 tons CO per year through stack testing in 2007.

The TCAA limits imposing conditions for renewal of a permit to only those requirements the commission determines to be economically reasonable and technically practicable considering the age of the facility and the effect of its emissions on the surrounding area. The commission may not impose requirements more stringent than those of the existing permit unless the commission determines that the requirements are necessary to avoid a condition of air pollution or to ensure compliance with otherwise applicable federal or state air quality control requirements. See Tex. Health & Safety Code § 382.055. After reviewing the renewal application, no such determinations were made. Accordingly, the draft renewal permit does not include any additions or changes to the plant.

**CHANGES MADE IN RESPONSE TO COMMENT**

No changes to the draft permit have been made in response to public comment.

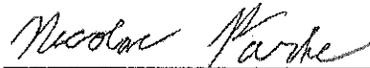
Respectfully submitted,

Texas Commission on Environmental Quality

Richard A. Hyde, P.E., Executive Director

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REPRESENTING THE  
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