

Texas Commission on Environmental Quality

Interoffice Memorandum

To: Commissioners **Date:** July 23, 2013

Thru: Bridget C. Bohac, Chief Clerk
Zak Covar, Executive Director

From: Steve Hagle, P.E., Deputy Director
Office of Air

Subject: Docket No. **2012-2017-RUL** / Project No. 2012-030-106-AI
Highlight/Strikeout Version of *Maintenance, Startup, and Shutdown (MSS) for Oil and Gas* Preamble/Rule Adoption

The attached documents contain revisions identified in highlight/strikeout and are provided as *REVISED BACK-UP MATERIAL* to the Adoption documents filed on July 3, 2013, scheduled for your consideration on the July 26, 2013, Agenda.

CHANGE(S) TO RESPONSE TO COMMENTS

- On page 83 – Removed the sentence, “All emissions resulting from the activities under §106.359(b)(1) - (6) should be quantified.” Added the clarifying word “minimize.” Added clarifying language “The commission recognizes that the default values may be conservatively estimated and may not be appropriate for all sites or activities. All emissions resulting from the activities authorized under §106.359(b)(1) - (6) should be quantified unless the optional default values are claimed for these emissions. Quantified emissions may be significantly less than the optional default value(s) depending on specific site activities.”
- On pages 102 & 103 – Removed sentence, “The commission respectfully disagrees with these comments.” Removed the phrase “site-specific” and added the clarifying phrase “that address all equipment at a site.” Added clarifying language “For example, an equipment-specific maintenance program could be developed and implemented on a site-specific basis, utilizing the portions of a company-wide program that apply to the site(s) being authorized.”

CHANGE(S) TO RULE

- None.

Attachments:
Pages 83, 102, and 103 of Preamble/Rule Adoption

Commissioners

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cc: Chief Clerk, 2 copies
Executive Director's Office

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intensive and may require additional personnel and suggested TCEQ develop a realistic, minimal assumed total that permit holders could choose to use to estimate emissions from these activities.

~~All emissions resulting from the activities authorized under §106.359(b)(1)–(6) should be quantified.~~ The commission will provide optional default emission values in guidance for these activities as a group which permit holders may use to simplify recordkeeping and minimize calculations for demonstration of compliance with the emission limits in §106.4. The commission recognizes that the default values may be conservatively estimated and may not be appropriate for all sites or activities. All emissions resulting from the activities authorized under §106.359(b)(1) - (6) should be quantified unless the optional default values are claimed for these emissions. Quantified emissions may be significantly less than the optional default value(s) depending on specific site activities. Further, the small quantification of the activities in §106.359(b)(1) - (6) may affect demonstration of compliance with the site-wide emission limits under §106.4. An announcement will be sent via the email group "Oil and Gas Compliance-Resource Updates" when the guidance is developed.

Sites that are required to submit Emission Inventories under §101.10 must include all emissions in their inventories. Section 101.10(b)(1) states:

are both necessary to ensure overall emissions are minimized and that the PBR has appropriate enforceable limitations.

TXOGA commented that the requirement in §106.359(c)(2) that each permit holder develop a maintenance program and the discussion in the preamble that the maintenance program be site-specific is burdensome. TXOGA commented (and Pioneer supported) that the maintenance program be equipment-specific instead of site-specific. Plains commented that requiring a site-specific maintenance program for the large number of remote sites could result in a recordkeeping burden and suggested §106.359 allow a company to have a company-wide maintenance program for similar sites or facilities.

~~The commission respectfully disagrees with these comments.~~ The commission issues authorizations for the emission of air contaminants from facilities at a specific site. Due to the variability of the equipment and maintenance needs for OGSs, it is necessary to develop site-specific maintenance programs that address all equipment at a site. The commission recognizes that permit holders may have the same maintenance program and facilities at many different sites across the state and therefore a centralized recordkeeping system may be implemented to claim this PBR. The maintenance program may be the same for multiple sites and can be used company-wide as long as the maintenance program addresses this issue clearly and distinguishing factors among sites and facilities are addressed

properly. **For example, an equipment-specific maintenance program could be developed and implemented on a site-specific basis, utilizing the portions of a company-wide program that apply to the site(s) being authorized.** The commission is committed to working with all stakeholders to develop appropriate guidance. No changes were made to the proposed rule language in response to these comments.

Plains commented that except in a few specifically listed cases it was unclear what methods the TCEQ considers as BMP. Plains requested additional guidance to understand what a TCEQ investigator would consider BMP.

BMPs are methods or techniques selected to be the most effective and practical means in achieving an objective, such as preventing or minimizing pollution, while making the optimum use of the permit holder's resources. BMPs can consist of schedules of activities, prohibitions of practices, maintenance procedures or other techniques to control, prevent, or reduce the release of contaminants. BMPs also include treatment requirements, operating procedures, and practices to control emissions. The commission has purposely not listed specific BMPs to allow regulated entities the flexibility to select measures that best suit the needs of each individual site or piece of equipment that are consistent with good engineering practices and industry standards which minimize the release of air contaminants. The