

Permitting Planned Maintenance, Startup, Shutdown (MSS)

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Background

- ▶ Emission events, maintenance, startup and shutdown activities have not been permitted
- ▶ Issues include:
 - ▶ Quantification – duration and number of events
 - ▶ BACT
 - ▶ Impacts evaluation
 - ▶ Federal permitting applicability
- ▶ Activities dealt with under Chapter 101



Background

- ▶ Several years of discussion with EPA over wording of Chapter 101 rules dealing with emission events
 - ▶ Exemption vs. affirmative defense
 - ▶ Cannot claim affirmative defense for “scheduled” MSS
- ▶ “Scheduled” vs. “Planned”
- ▶ Emission Events rule effective
Jan. 5, 2006



Emission Events Rule

- ▶ Planned MSS permit application schedule (years after effective date of rule):
 - ▶ Refineries - one year
 - ▶ Chemical plants except carbon black - two years
 - ▶ Carbon black - four years
 - ▶ Electric utilities - five years
 - ▶ Oil and gas - six years
 - ▶ All others - seven years



Permitting Planned MSS

- ▶ Over 14,000 active permits
- ▶ Need multiple, flexible mechanisms
 - ▶ Permit-by-rule
 - ▶ Standard permit
 - ▶ Case-by-case permits
- ▶ Proposed rules and standard permit published on December 30, 2005



Permitting Planned MSS

- ▶ Proposed rules withdrawn on July 21, 2006
- ▶ Schedule in Chapter 101 for loss of the ability to claim an affirmative defense for planned MSS activities remains in effect



Permitting Planned MSS

- ▶ What now?
 - ▶ Maintenance PBR (30 TAC §106.263)
 - ▶ Certain PBRs already include maintenance activities
 - ▶ Case-by-case permit review
 - ▶ Title V permits/revisions
 - ▶ Rulemaking



Permitting Planned MSS

- ▶ Case-by-case permit requirements
 - ▶ BACT
 - ▶ Impacts review
 - ▶ Address federal new source review applicability



Permitting Planned MSS

Where Do We Stand?

- ▶ Permits Workshop
- ▶ Agency management discussions/
direction
- ▶ Rule and guidance development
- ▶ EPA approval of rules



2006 Permitting Workshop

- ▶ Focused on discussion of MSS
- ▶ A lot of good questions
 - ▶ Answers on the web
 - ▶ http://www.tceq.state.tx.us/files/mss_response_seminar.pdf_4007083.pdf
- ▶ Still some outstanding issues



Agency Management Discussions/Direction

- ▶ Have developed proposal for rulemaking
- ▶ Have briefed Executive Director
- ▶ Will request formal approval to begin
- ▶ Will offer briefings for Commissioners



Rulemaking and Guidance

- ▶ Old proposal – too many ornaments
- ▶ Revised proposal will focus on MSS
- ▶ Still have three-tiered concept
 - ▶ Permit-by-rule
 - ▶ Standard permit
 - ▶ Case-by-case permits



Rulemaking and Guidance

- ▶ Continue to develop concept
- ▶ Brief Commissioners
- ▶ Two Stakeholders meetings around August time frame
- ▶ Propose rule – January 2008
- ▶ Adoption – June 2008



Rulemaking and Guidance

- ▶ Possibly develop MSS de minimis
- ▶ New PBR for MSS
 - ▶ Modify §106.263 for temporary MSS
- ▶ Develop standard permit for MSS
- ▶ Keep watch list limits for PBR and SP
- ▶ Revise Ch. 116 to codify permitting requirements for MSS



Rulemaking and Guidance

- ▶ Elements from original proposal not included in this package:
 - ▶ QUAN
 - ▶ Change PBR limit for NO_x and CO to 100 tpy
 - ▶ Codification of roll in/roll out
 - ▶ Changes to definition of air contaminant
 - ▶ Standard permit fee structure changes



EPA Approval



Permitting Planned MSS

- ▶ Other issues
 - ▶ Federal NSR applicability
 - ▶ Quantification of emissions
 - ▶ Identification of activities for enforceability
 - ▶ Recordkeeping/reporting requirements
 - ▶ Public Notice
 - ▶ Rule vs. application timing



Questions???

