



Level of Activity Certification Instructions

Title 30 Texas Administrative Code Section 101.360

(30 TAC Section 101.360)

On December 6, 2000 the Texas Commission on Environmental Quality (TCEQ) adopted the State Implementation Plan for the Houston/Galveston nonattainment area (HGNA) incorporating an overall 90% reduction in NO_x from stationary sources. In order to provide flexibility with the new emission specifications and allow for economic growth, the TCEQ also adopted a Mass Emissions Cap and Trade (MECT) program for the eight-county area. This program will be the mechanism for compliance with these new emission specifications while capping NO_x emissions in the HGA. Facilities subject to this program must certify their level of activity by submitting Form ECT-3 Level of Activity Certification to the agency no later than June 30, 2001. The purpose of this memo is to provide guidance on applicability to the program and the requirements for certifying the level of activity that determines the allocation of allowances under the MECT program.

Applicability

Sites located within the eight-county Houston/Galveston nonattainment area (Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller) should identify all facilities which emit NO_x. For each NO_x emitting facility a determination must be made as to the applicability of the emission specifications for attainment demonstration (ESAD) requirements located in 30 TAC Section 117.106, 30 TAC Section 117.206, and 30 TAC Section 117.475. A summation of the uncontrolled design capacities for all NO_x emitting facilities with ESAD requirements should be performed for each year beginning with 1997 and repeated for each year of operation. Those facilities exempt from the ESAD requirements located in 30 TAC Section 117.106, 30 TAC Section 117.206, and 30 TAC Section 117.475 are not included in the MECT program and should not be a part of the design capacity summation. If the sum of the uncontrolled design capacities for any one year is greater than 10 tons, then compliance with the ESAD requirements for those facilities is by participation in the MECT program. Once applicable, participation in the MECT program is mandatory and a facility may not modify itself out of the program.

Level of Activity Certification

Level of Activity as defined in 30 TAC Section 101.350 is, the amount of activity at a facility measured in terms of production, fuel use, raw materials input, or other similar units that have a direct correlation with the economic output and emission rate of the source. In accordance with 30 TAC Section 101.360(a), the owner or operator of any facility subject to the MECT program shall certify its historical level of activity, no later than June 30, 2001, by submitting to the agency a completed ECT-3 Form Level of Activity Certification. The period of historical level of activity reported will differ depending on the date the facility began operating as follows:

For facilities in operation prior to January 1, 1997, the level of activity reported to the agency shall be the actual historical throughput and corresponding emission rates for calendar years 1997, 1998, and 1999.

For new or modified facilities which were not in operation prior to January 1, 1997 and either submitted a permit application deemed administratively complete before January 2, 2001 or qualified for a permit by rule and commenced construction before January 2, 2001 and possess two consecutive calendar years of actual operational data, the level of activity reported to the agency shall be the actual historical throughput and corresponding emission rates for the first two consecutive calendar years of actual operational data. The first two calendar years of actual data need not include the shakedown period as defined in Title 40 Code of Federal Regulations § 51.166(b)(3)(vii) which can be no longer than 180 days.



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For new or modified facilities which were not in operation prior to January 1, 1997 and that either submitted a permit application deemed administratively complete before January 2, 2001 or qualified for a permit by rule and commenced construction before January 2, 2001 and do not possess two calendar years of actual operating data, the level of activity reported to the agency shall be the throughput level and emission rate authorized in the permit or permit by rule.

The following table provides examples of level of activity and emission factor measurements for facilities types subject to the ESAD requirements in 30 TAC Chapter 117.

Category	Level of Activity Unit of Measure	Emission Factor Unit of Measure
boilers, heaters, furnaces, turbines, duct burners, incinerators, dryers	MMBtu	lb NO _x /MMBtu
heaters, boilers and furnaces (oil-fired only)	M gal	lb NO _x / M gal
engines	HP hr/year	g/HP-hr
refinery cat crackers	barrel/day blower scfm crude type	ppm
kilns	ton CaO or LWA	lb NO _x /ton CaO or LWA

The levels of activity and emission factors reported for each facility must be validated with supporting documentation such as monitoring data, test data, usage records, production records, etc. It is essential that values represented in the Level of Activity Certification, Form ECT-3, is an accurate account of actual emissions from a facility during the time period it is required to report. These values will be the basis for determining the allocation of allowances within the MECT program.

For questions or additional help please call (512)239-1255

Mail application to:

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